

## ARTICLE 14

### Trainee Programs, Intern Programs, Qualification Lists and Interchange

#### Section 14-100    **TRAINEE PROGRAM**

##### **14-101    Administration**

- (a)    The parties have established the Directors Guild–Producer Training Plan (herein referred to as the Trust Fund) which is a jointly-administered formal program for training a sufficient number of qualified Assistant Directors and UPMs to meet the needs of the industry. Such program provides the methods for placing such qualified persons as Assistant Directors.
- (b)    Effective July 1, 2014, the Trust Fund shall continue to be funded by Employer contributions during the term hereof to be made simultaneously with payments to the Pension Plan and shall be paid as follows:

Three-eighths (3/8) of one percent of the compensation of each First and Second Assistant Director and UPM employed on theatrical or television motion pictures subject to this BA in Los Angeles County or on location outside said county when transported by the Employer from Los Angeles to such location. Such compensation shall be computed on the same basis as the compensation is computed for contributions under the Directors Guild of America–Producer Pension Plan as provided in Article 12 of this BA. If, during the term of this Basic Agreement, the Trust Fund's cash surplus is less than \$50,000, then the amount of contribution referred to in this subparagraph (b) shall be one-half of one percent (.5%), until said surplus is increased to \$50,000.

- (c)    The Trust Fund shall administer the formal training program through a Board consisting of at least fourteen (14) Trustees

with Employers and Employees at all times equally represented. Such training program and Trust Fund shall be established and administered in accordance with all applicable laws and regulations, and such Trust Fund, subject to the above provisions, shall be established and administered in accordance with the applicable provisions contained in Article 12 of this BA relating to the Directors Guild of America–Producer Pension Plan Trust.

- (d) Any money paid by Employer as a contribution hereunder shall not constitute or be deemed to be wages to the individual Employees, nor shall said money so paid be in any manner liable for or subject to the debts, contracts, liabilities or torts of such Employees.

**14-102** Trainees covered by such program shall not be subject to the provisions of this BA, except the following provisions of this BA shall apply:

Section 1-100; Recognition  
Paragraph 13-108; Payroll Week  
Paragraph 13-601; Vacations  
Paragraph 13-210; Aircraft Flight Allowance  
Paragraph 13-211; Underwater Work Allowance  
Paragraph 13-214; Travel Insurance

**14-103** Trainees may be employed on a weekly basis (except that there may be a partial week at the end of any work period, in which case each day worked shall be paid for at the rate of one-fifth (1/5) of the applicable weekly guarantee rate).

Trainees may be employed on a daily basis, in which case each day worked shall be paid at the rate of one-fourth (1/4) of the applicable weekly guarantee.

All such employment shall be subject to the following wage scale and working conditions:

<b>*Weekly Guarantee - 54 Cumulative Hours Minimum Call - 8 Hours</b>						
	<b>----- 7/1/14<sup>†</sup> -----</b>		<b>----- 7/1/15 -----</b>		<b>----- 7/1/16 -----</b>	
<b>**</b>	<b>Regular Basic Hourly Rate</b>	<b>Weekly Guarantee</b>	<b>Regular Basic Hourly Rate</b>	<b>Weekly Guarantee</b>	<b>Regular Basic Hourly Rate</b>	<b>Weekly Guarantee</b>
1st Period	\$12.424	\$758	\$12.797	\$781	\$13.181	\$804
2nd Period	13.347	814	13.747	839	14.159	864
3rd Period	14.305	873	14.734	899	15.176	926
4th Period	15.259	931	15.717	959	16.189	988

- \* (a) Employees under this schedule shall be paid at the scheduled Regular Basic Hourly Rate for the first forty (40) hours of the workweek and not less than one and one-half (1½) times such basic hourly rate of pay for all time over forty (40) hours in such workweek, with a guarantee that the Employee shall receive, for regular time and for such overtime as the necessities of the business may demand, a sum not less than the scheduled weekly guarantee for each workweek.
- \* (b) The guaranteed pay of weekly Employees who absent themselves without the Employer's consent may be reduced one-fifth (1/5) of the weekly guarantee for each day of absence.

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<sup>†</sup> See text of footnote 3 on page 39.

- \* (c) A combination of studio and distant location employment may be used to fulfill the weekly guarantee.
- \* (d) If an Employer employs more than one (1) Trainee in any given week, the Trust Fund shall reimburse the Employer for twenty percent (20%) of the salary of each Trainee employed other than the first. Such reimbursement shall be based upon minimum weekly or daily salaries in this Paragraph 14-103.
- \*\* Each period shall consist of one hundred (100) cumulative days of actual on-the-job training.

- 14-104** The full payroll week shall be the established payroll week of the Employer, from midnight Saturday to midnight Saturday.
- 14-105** New Year's Day, Presidents' Day (third Monday in February), Good Friday, Memorial Day (last Monday in May), Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving and Christmas Day shall be recognized as holidays. If any of the above holidays falls on Sunday, the following Monday shall be considered the holiday. If the holiday falls on Saturday, the preceding Friday shall be considered the holiday except on distant locations not on a five (5) day per week shooting schedule. For holidays not worked in the period of his or her weekly guarantee, the Trainee shall receive a worktime credit (but not training credit) equal to the specified minimum call. For each holiday worked, the Trainee shall be paid an additional one-fifth (1/5) of the weekly guarantee.
- 14-106** Travel time shall be paid for in accordance with the standard craft travel time provisions prevailing in the motion picture industry based in Hollywood, California.
- 14-107** Each Trainee shall be given a nine (9) hour rest period, which shall begin at time of dismissal and end at the Trainee's actual call time the following day. If the full rest period is not given, the Trainee shall be paid an additional straight time for the invaded hours or portion of hours of the rest period.

- 14-108** A Trainee must work under the supervision of a Second Assistant Director at all times. Employer may employ a Trainee on any motion picture on which at least one (1) Second Assistant Director is employed. Employer may employ no more than one (1) Trainee on any motion picture, except that an additional Trainee may be employed if at least one (1) Second Second Assistant Director is employed on such motion picture.
- 14-109** Such Trainees shall be selected and trained as provided in the formal training programs as provided for in Paragraph 14-101.
- 14-110** It is the intent of the parties that these Trainees shall be employed to learn the art of becoming Assistant Directors and not for the purpose of replacing those Assistant Directors. The Employer is not required to employ a Trainee.
- 14-111** The Employer shall include Trainees in the list referred to in Paragraph 1-501 above.
- 14-112** Requirements for Trainee eligibility for placement on the Second Assistant Directors Qualification List are set forth at Paragraphs 14-302 and 14-402 below.
- 14-113**
- (a) There currently exists in New York an Assistant Directors Training Program administered by Trustees appointed by the Guild, the Association of Independent Commercial Producers and other producers signatory to the DGA Commercial Agreement and to this BA.
  - (b) Individuals enrolled in said program may be employed as Trainees on motion pictures based outside of Los Angeles County. On any motion picture on which a Trainee covered by the New York Area Assistant Directors Training Program is employed, Employer shall pay to the Directors Guild–Producer Training Plan contributions equal in amount to what would have been due pursuant to subparagraph 14-101(b) if that paragraph had been applicable. Contributions shall not be due under subparagraph 14-101(b) based upon any compensation

for which contributions are made to the New York Training Program.

- (c) The Directors Guild–Producer Training Plan shall deposit contributions made pursuant to this Paragraph in a separate account, and all amounts withdrawn from this account shall be used exclusively for safety training of Unit Production Managers and Assistant Directors in New York. Training shall be conducted pursuant to the procedures set forth in Paragraph 14-114.
- (d) When the New York Area Assistant Directors Training Program develops a safety training program for Unit Production Managers and Assistant Directors which is approved by the bargaining parties, the contributions due under this Paragraph 14-113 shall be paid to the New York Area Assistant Directors Training Program, and all funds remaining in the Directors Guild–Producer Training Plan’s separate account shall be transferred to the New York Area Assistant Directors Training Program.

**14-114      Additional Training**

- (a) The Guild and the Employers jointly recommend to the Board of Trustees of the Training Plan Trust Fund that the training program be expanded to include training for Unit Production Managers and Assistant Directors on new developments pertinent to their job, and safety training for all Employees covered by the DGA BA and FLTTA.
- (b) The Guild and the AMPTP hereby instruct the Trustees to carry out such training.
- (c) The Guild and the Employers will cooperate with the Training Plan to facilitate such training by, among other things, making available, at no cost to the Training Plan, speakers, facilities and in-kind services.
- (d) The existing Directors Guild – Producer Training Plan Safety Passport Training Course, which includes the Contract Services

Administration Trust Fund (“CSATF”) “A” course, shall be made mandatory at a date to be determined by the parties for the following individuals who are hired in California: Unit Production Managers and Assistant Directors on the Southern California Qualification Lists; Unit Production Managers and Assistant Directors on the Southern California Eligible to Work Lists; and Associate Directors and Stage Managers eligible to work in Southern California. It is understood and agreed that the Directors Guild – Producer Training Plan will fund all aspects of the mandatory training using existing funds in its reserves.

Once the Training Course becomes mandatory, the Directors Guild - Producer Training Plan shall pay a stipend to employees who attend the Safety Passport Training Course at a rate not less than that paid to employees covered under the Producer-IATSE Basic Agreement and West Coast Studio Local Agreements who attend safety training courses offered by CSATF.

The Southern California Qualification Lists and Southern California Eligible to Work Lists shall be updated to reflect an individual’s successful completion of the Safety Passport Training Course. For individuals not on the Southern California Qualification Lists or Southern California Eligible to Work Lists (*i.e.*, Associate Directors and Stage Managers), the parties will devise a method to reflect the individual’s successful completion of the Safety Passport Training Course.

Any Unit Production Manager or Assistant Director who fails to complete successfully the Safety Passport Training Course within the training deadline (to be determined) will be suspended from the applicable Southern California Qualification List or Southern California Eligible to Work List (or in the case of Associate Directors and Stage Managers who are otherwise eligible to work in Southern California, will be made temporarily ineligible for employment in Southern California) until he or she completes successfully the training course. Upon successful completion of the Safety Passport Training Course, any such Unit Production Manager or

Assistant Director who was suspended from the applicable Southern California Qualification List or Southern California Eligible to Work List (or in the case of an Associate Director or Stage Manager who was made temporarily ineligible for employment in Southern California) shall regain his or her status on the applicable list (or in the case of an Associate Director or Stage Manager, shall regain eligibility for employment in Southern California).

Unit Production Managers, Assistant Directors, Associate Directors and Stage Managers shall continue to be permitted to attend, on a voluntary basis, any CSATF training courses if space permits, and the Southern California Qualification Lists and Southern California Eligible to Work Lists shall be updated to reflect an individual's successful completion of such courses. For individuals not on the Southern California Qualification Lists or Southern California Eligible to Work Lists (*i.e.*, Associate Directors and Stage Managers), the parties will devise a method to reflect the individual's successful completion of such courses.

## **Section 14-150    INTERNS**

**14-151**    Under prior collective bargaining agreements, the parties agreed to implement an on-the-job training program, as a supplement to the formal training plan described in Section 14-100 of this BA. Those individuals who have been employed through the on-the-job training program are known as Interns. The following provisions shall apply only to those individuals who have registered as Interns by July 1, 1984. An Intern has registered by July 1, 1984 if: (a) the Intern was named as an Intern in a list submitted by the Employer to the Guild before July 8, 1984 pursuant to Paragraph 1-501 of the 1981 BA; (b) the Employer submitted information about the Intern to the Training Program Administrator before July 1, 1984, pursuant to Paragraph 14-156 of the 1981 BA; or (c) Employer employed the Intern before July 1, 1984, the Intern worked continuously for the Employer until after July 1, 1984, and the Employer submitted information about the Intern to the Training Program Administrator pursuant to Paragraph 14-156 of this BA at the time such employment was terminated.

**14-152      Eligibility**

Employer may employ an individual through the formal training plans described above on any motion picture.

Employer may employ any individual as an Intern in any of the following circumstances:

- (a) For work in Southern California, whenever Trainees under the Plan referred to in Paragraph 14-101 are not available;
- (b) For work in the New York Area, whenever individuals under the program referred to in Paragraph 14-112 are not available;
- (c) For work outside of Southern California and the New York Area.

If an Intern or Trainee is employed on a motion picture, Employer may employ an additional Intern if more than two Second Assistant Directors are employed, and (for work in Southern California or the New York Area) individuals are not available through the respective Training Program.

If an Employer employs an individual as an Intern in accordance with the foregoing paragraph, such Employer may continue such Intern's employment through completion of photography of the motion picture, even if a Trainee becomes available for employment during the intervening period.

**14-153      An Intern must work under the supervision of a Second Assistant Director at all times.**

**14-154      Compensation**

Interns shall be employed on a weekly basis, subject to the limitations of and based upon the wage scale contained in Paragraph 14-103 above.

**14-155** The payroll week for Interns shall be controlled by the provisions of Paragraph 14-104; holidays shall be controlled by the provisions of Paragraph 14-105, and travel time shall be controlled by the provisions of Paragraph 14-106 of this BA. In addition, Paragraph 14-102 shall be applicable to Interns.

**14-156**     **Reporting**

Employer shall include Interns in the list referred to in Paragraph 1-501 above.

In addition, Employer shall report to the Training Program Administrator the specific number of days of preparation or office work, and the specific number of shooting days for which each Intern was employed. Employer may submit this information at the time the Intern's employment is terminated, or on a weekly basis during the Intern's employment.

**14-157** Requirements for Intern eligibility for placement on the Second Assistant Directors' Qualification List are set forth at Paragraph 14-302 below.

**Section 14-200     QUALIFICATION LISTS**

**14-201** The Southern California Qualification Lists, administered by a DGA Contract Administration (DGACA), shall be maintained under this BA and administered in accordance with Paragraph 14-204 below. New York Area Qualification Lists administered by a DGA Contract Administration East (DGACA-East) have been established in accordance with Paragraph 14-204. In addition, there shall be Qualification Lists administered by DGACA for that area of the United States which is outside Southern California and outside the New York Area (referred to as "the Third Area"). In each area, there shall be a Second Assistant Directors' Qualification List, a First Assistant Directors' Qualification List and a UPMs' Qualification List. The UPM Multi-Camera Qualifications List ("UPM MCQL"), administered by DGACA, shall be maintained under this BA and administered in accordance with Section 14-600 below.

- 14-202** No person can be on any Southern California Qualification List and on any New York Area Qualification List simultaneously.
- 14-203** The employment required under this Article 14 for placement on a List may be satisfied by employment with signatory companies to any agreement with the Guild and/or with non-signatory companies, except that work performed under this BA for a signatory company by any person not employed as an Assistant Director or Unit Production Manager shall not be counted as qualifying experience for any purpose under this Article 14. All such employment must be performed in the United States or, if in another country, only on motion pictures on which the employment of American First Assistant Directors would not have been prohibited by labor restriction, law or quota.
- 14-204** (a) The cost for maintaining and administering the Qualification Lists by DGACA and DGACA-East shall be funded by Employer contributions during the term hereof to be made simultaneously with payments to the Pension Plan and shall be paid as follows:
- One-eighth (1/8) of one percent of the compensation of First and Second Assistant Directors and UPMs employed subject to this BA in the Southern California area shall be paid to DGACA. One-quarter (1/4) of one percent of the compensation of First and Second Assistant Directors and Unit Production Managers employed subject to this BA in the New York Qualification area shall be paid to DGACA-East. Such compensation shall be computed on the same basis as the compensation is computed for contributions under the Directors Guild of America–Producer Pension Plan as provided in Paragraph 12-202 of this BA.
- For purposes of this Article 14, "Southern California" means all of California from San Luis Obispo south to the California-Mexico border.
- (b) Any money paid by Employer as a contribution hereunder shall not constitute or be deemed to be wages to the individual

Employees nor shall said money paid be in any manner liable for or subject to the debts, contracts, liabilities or torts of such Employees.

- (c) The DGACA and DGACA-East have been established by and on behalf of the Employers. They shall be administered in accordance with all applicable laws and regulations.

**14-205** For the purposes of this Article 14 only, "motion pictures of the type covered hereunder" shall refer to theatrical motion pictures and television motion pictures (including videodisc/videocassette, pay television and basic cable motion pictures) of the type covered by this BA or by the DGA Freelance Live and Tape Television Agreement and to "high budget" original or derivative dramatic New Media productions made for initial exhibition on a subscription consumer pay New Media platform that meets the definition of "high budget" as set forth in Sideletter No. 35 ("High Budget SVOD Programs"), the principal photography of which commenced on or after July 1, 2011. However, for the purpose of qualifying for preference of employment under subparagraphs 14-305(a) and 14-405(a), "motion pictures of the type covered hereunder" shall not include non-dramatic basic cable motion pictures.

**14-206** Persons employed to perform services as either a First Assistant Director, Second Assistant Director or UPM who are not on the respective Qualification Lists for First Assistant Directors, Second Assistant Directors or UPMs, shall be eligible to be added to said respective Qualification Lists, as provided herein, upon the showing of the experience required by the terms of this Article 14.

## **Section 14-300 SOUTHERN CALIFORNIA QUALIFICATION LIST**

### **14-301 Composition**

The respective Southern California Qualification Lists for First Assistant Directors, Second Assistant Directors and UPMs, referred to above in Paragraph 14-201, shall be composed of those qualified and available persons who, as of July 1, 2014, were on the respective Qualification Lists as First Assistant Directors, Second Assistant

Directors and UPMs, or who satisfy thereafter the eligibility provisions hereunder.

The parties confirm that work primarily as a location manager shall not be counted as qualifying experience for any purpose under Section 14-300.

#### **14-302      Requirements for Placement**

The following requirements shall determine eligibility of individuals applying for placement on the Southern California Qualification Lists after July 1, 2014.

Any individual who has been employed four hundred (400) days in work as a Second Assistant Director, First Assistant Director, Unit Production Manager or Associate Director in the production of motion pictures of the type covered hereunder shall be eligible to be placed on the Second Assistant Directors' Southern California Qualification List. Of such four hundred (400) days, no more than twenty-five percent (25%) may be spent in preparation or office work and at least seventy-five percent (75%) must be spent with the actual shooting company. Likewise, Stage Managers or Associate Directors in the live and tape television industry employed four hundred (400) days in the production of motion pictures of the type covered hereunder, or six (6) years in the nationwide feed of television motion pictures, shall be eligible to be placed on the Second Assistant Directors' Southern California Qualification List.

Likewise, any individual who has been employed four hundred (400) days in the production of motion pictures of the type covered hereunder as a Director (at least two hundred sixty (260) days of which shall have been in directing the actual shooting of film or tape) shall be eligible to be placed on the Second Assistant Directors' Southern California Qualification List.

To be eligible to be placed on the Southern California Second Assistant Directors' Qualification List, a Trainee or Intern must complete four hundred (400) days of on-the-job training in the production of motion pictures of the type covered hereunder. Of such four hundred (400) days, no more than twenty-five percent (25%)

may be spent in preparation or office work and at least seventy-five percent (75%) must be spent with the actual shooting company.

If the work performed on a motion picture by a person, other than a person employed in a classification covered by this BA, consists solely of crowd control, then such work shall not be deemed qualifying work for the purposes of placement on the Second Assistant Directors' Qualification List.

- 14-303**
- (a) A person qualifies for the Southern California First Assistant Directors' Qualification List if the person has been employed and has completed at least five hundred twenty (520) working days as a Second Assistant Director in the production of motion pictures of the type covered hereunder.
  - (b) A person qualifies for the Southern California First Assistant Directors' Qualification List if the person has been employed and completed at least five hundred twenty (520) working days either as a Second Assistant Director in the production of motion pictures of the type covered hereunder or as an Associate Director or Stage Manager in the production of dramatic and/or variety programs of the type covered hereunder.
  - (c) Of the working days described in subparagraphs (a) and (b) above, not more than twenty-five percent (25%) may be spent in preparation or office work and at least seventy-five percent (75%) must be spent with the actual shooting company. Of the seventy-five percent (75%) spent with the actual shooting company, ten percent (10%) must be on location (distant or local).
  - (d) Also, any individual who has been employed four hundred (400) days in work as a First Assistant Director in the production of motion pictures of the type covered hereunder shall be eligible for placement on the Southern California First Assistant Directors' Qualification List. Of such working days, not more than twenty-five percent (25%) may be spent in preparation or office work and at least seventy-five percent

(75%) must be spent with the actual shooting company. Of the seventy-five percent (75%) spent with the actual shooting company, ten percent (10%) must be on distant location.

- (e) An individual qualifies for the Southern California First Assistant Director Qualification List from which First Assistant Directors may be employed only on multi-camera stage shows if the person has been employed and completed at least five hundred twenty (520) working days either as a Second Assistant Director in the production of motion pictures of the type covered hereunder or as an Associate Director or Stage Manager in the production of dramatic and/or variety programs of the type covered hereunder with at least one hundred twenty (120) days worked as a First Stage Manager in the production of multi-camera dramatic motion pictures of the type covered hereunder.

Of the working days described above, at least seventy-five percent (75%) must be spent with the actual shooting company. For the purposes of this provision, employment on a multi-camera stage show will be deemed to be with the shooting company on every workday of a week in which shooting occurs.

DGACA shall maintain a list of individuals who are qualified for employment under this provision.

**14-304** A First Assistant Director will qualify for the Southern California UPMs' Qualification List if such First Assistant Director has completed at least two hundred sixty (260) working days as a First Assistant Director in the production of motion pictures of the type covered hereunder. Of such working days, no more than twenty-five percent (25%) may be spent in preparation or office work and at least seventy-five percent (75%) must be spent with the actual shooting company. Of the seventy-five percent (75%) spent with the actual shooting company, ten percent (10%) must be on distant location.

Also, an individual who has completed four hundred (400) days in work as a Unit Production Manager in the production of motion

pictures of the type covered hereunder shall be eligible for placement on the Southern California Unit Production Managers' Qualification List. Of such working days, not more than twenty-five percent (25%) may be spent in preparation or post-production and at least seventy-five percent (75%) must have occurred during production. Of the seventy-five percent (75%), ten percent (10%) must be on location (distant or local). An individual's workdays on motion pictures on which someone else was employed as Unit Production Manager shall not be counted as qualifying workdays for any purpose under this Article 14 by virtue of the individual performing UPM functions delegated to him or her pursuant to Paragraph 1-302 of this BA.

An Assistant Director will qualify for the Southern California UPM Qualification List if the Assistant Director has completed at least six hundred (600) working days as a Unit Production Manager and/or a First Assistant Director and/or Second Assistant Director in the production of motion pictures of the type covered hereunder; two hundred (200) of these six hundred (600) days must be earned after the Assistant Director is placed on a Southern California Qualification List. Of such two hundred (200) days, no more than twenty-five percent (25%) may be spent in preparation or office work and at least seventy-five (75%) must be spent with the actual shooting company.

- 14-305<sup>15</sup>** (a) Employer shall give preference of employment as follows with respect to work in Southern California on theatrical and television motion pictures covered by this BA and High Budget SVOD Programs as defined in Sideletter No. 35:
- (1) For Second Assistant Directors, to available individuals on the Southern California Second Assistant Directors' Qualification List who have worked at least four hundred (400) days in the production of motion pictures of the type covered hereunder as a Trainee, Intern, Second Assistant Director, First Assistant Director, Unit Production Manager or Associate Director.

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<sup>15</sup> See Section 24-600 for preference of employment provisions applicable to multi-camera prime time dramatic pilots, presentations and series.

- (2) For First Assistant Directors, to available individuals on the Southern California Qualification List for First Assistant Directors who meet the qualifications set forth in subparagraph 14-303(a) or (d) and, on multi-camera stage shows, to available individuals on the Southern California Qualification List for First Assistant Directors who meet the qualifications in subparagraph 14-303(a), (d) or (e).
- (3) For Unit Production Managers, to available individuals on the Southern California Qualification List for Unit Production Managers who meet the qualifications set forth in Paragraph 14-304.

For the purpose of qualifying for preference of employment under this subparagraph 14-305(a), "motion pictures of the type covered hereunder" shall not include non-dramatic basic cable motion pictures.

- (b) On motion pictures covered by the introduction to subparagraph (a) above, if any individual described in the applicable part of subparagraph (a) is available for employment, Employer may employ only an individual on the respective Southern California Qualification List. However, Employer may employ any available individual on the respective Qualification List regardless of that individual's experience, or the availability of individuals on said Qualification List with greater experience. If no individual described in the applicable part of subparagraph (a) is available for employment, then Employer may hire from any source. No individual on the Qualifications List will be considered available in the unusual situation in which the job requires fluency in a foreign language or a demonstratively unique skill necessary to protect the safety of cast and crew, provided satisfactory proof thereof is submitted to the Guild, and no individual on the Qualifications List is available who has such language fluency or unique skill.

- 14-306** Notwithstanding anything to the contrary contained in Paragraph 14-305 above, it is understood and agreed that in the event there are no available persons who meet the qualifications set forth in subparagraph 14-305(a)(1) on the Southern California Second Assistant Directors' Qualification List to perform the required services of a Second Assistant Director, the next preference in hiring of Second Assistant Directors shall be Trainees under the Plan referred to in Paragraph 14-101, if any are available. If no such Trainees are then available for employment as Second Assistant Directors, then Employer may hire Second Assistant Directors from any source. Days so worked by Trainees shall be counted towards fulfillment of their training time only.
- 14-307** An Employer shall not be required to hire any individual under Paragraphs 14-305 or 14-306 if doing so would result in the Employer paying any greater amount for travel and living expenses than the Employer would pay if the individual resided in Los Angeles.

## **Section 14-400 NEW YORK AREA QUALIFICATION LIST**

### **14-401 Initial Composition**

The respective New York Area Qualification Lists for First Assistant Directors, Second Assistant Directors and Unit Production Managers referred to in Paragraph 14-201 above shall be composed of those qualified and available persons who, as of July 1, 2014, were on the respective Qualification Lists as Second Assistant Directors, First Assistant Directors or Unit Production Managers, or who satisfy thereafter the eligibility provisions hereunder.

### **14-402 Requirements for Placement**

Any individual who has been employed three hundred fifty (350) days in work as a Second Assistant Director, First Assistant Director, Unit Production Manager or Associate Director in the production of motion pictures of the type covered hereunder shall be eligible to be placed on the New York Area Second Assistant Directors' Qualification List. Of such three hundred fifty (350) days, no more

than twenty-five percent (25%) may be spent in preparation or office work and at least seventy-five percent (75%) must be spent with the actual shooting company. Likewise, Stage Managers or Associate Directors in the live and tape television industry employed three hundred fifty (350) days in the production of motion pictures of the type covered hereunder, or six (6) years in the nationwide feed of television motion pictures, shall be eligible to be placed on the New York Area Second Assistant Directors' Qualification List.

Likewise, any individual who has been employed three hundred fifty (350) days in the production of motion pictures of the type covered hereunder as a Director (at least two hundred sixty (260) days of which shall have been in directing the actual shooting of film or tape) shall be eligible to be placed on the New York Area Second Assistant Directors' Qualification List.

To be eligible to be placed on the New York Area Second Assistant Directors' Qualification List, a Trainee or Intern must complete three hundred fifty (350) days of on-the-job training in the production of motion pictures of the type covered hereunder. Of such three hundred fifty (350) days, no more than twenty-five percent (25%) may be spent in preparation or office work and at least seventy-five percent (75%) must be spent with the actual shooting company.

If the work performed on a motion picture by a person, other than a person employed in a classification covered by this BA, consists solely of crowd control, then such work shall not be deemed qualifying work for the purposes of placement on the Second Assistant Directors' Qualification List.

- 14-403** (a) A Second Assistant Director shall qualify for the New York Area First Assistant Directors' Qualification List if such Second Assistant Director has been employed and completed at least five hundred twenty (520) working days as a Second Assistant Director in the production of motion pictures of the type covered hereunder. Of such working days, not more than twenty-five percent (25%) may be spent in preparation or office work, and at least seventy-five percent (75%) must be spent with the actual shooting company. Of the seventy-five percent

(75%) spent with the actual shooting company, ten percent (10%) must be on distant location.

- (b) Also, any individual who has been employed three hundred fifty (350) days in work as a First Assistant Director in the production of motion pictures of the type covered hereunder shall be eligible for placement on the New York Area First Assistant Directors' Qualification List. Of such working days, not more than twenty-five percent (25%) may be spent in preparation or office work, and at least seventy-five percent (75%) must be spent with the actual shooting company.
- (c) An individual qualifies for the New York Area First Assistant Director Qualifications List from which First Assistant Directors may be employed only on multi-camera stage shows if the person has been employed and completed at least five hundred twenty (520) working days either as a Second Assistant Director in the production of motion pictures of the type covered hereunder or as an Associate Director or Stage Manager in the production of dramatic and/or variety programs of the type covered hereunder with at least one hundred twenty (120) days worked as a First Stage Manager in the production of multi-camera dramatic motion pictures of the type covered hereunder.

Of the working days described above, at least seventy-five percent (75%) must be spent with the actual shooting company. For the purposes of this provision, employment on a multi-camera stage show will be deemed to be with the shooting company on every workday of a week in which shooting occurs.

- 14-404**
- (a) A First Assistant Director will qualify for the New York Area UPMs' Qualification List if such First Assistant Director has completed at least two hundred sixty (260) working days as a First Assistant Director in the production of motion pictures of the type covered hereunder. Of such working days, no more than twenty-five percent (25%) may be spent in preparation or office work and at least seventy-five percent (75%) must be

spent with the actual shooting company. Of the seventy-five percent (75%) spent with the actual shooting company, ten percent (10%) must be on distant location.

- (b) Also, an individual who has completed three hundred fifty (350) days in work as a Unit Production Manager in the production of motion pictures of the type covered hereunder shall be eligible for placement on the New York Area UPMs' Qualification List. Of such working days, no more than twenty-five percent (25%) may be spent in preparation or office work and at least seventy-five percent (75%) must be spent with the actual shooting company.
- (c) An Assistant Director will qualify for the New York Area UPMs Qualification List if the Assistant Director has completed at least six hundred (600) working days as a Unit Production Manager and/or a First Assistant Director and/or Second Assistant Director in the production of motion pictures of the type covered hereunder; two hundred (200) of these six hundred (600) days must be earned after the Assistant Director is placed on a New York Area Qualification List. Of such two hundred (200) days, no more than twenty-five percent (25%) may be spent in preparation or office work and at least seventy-five percent (75%) must be spent with the actual shooting company.

- 14-405<sup>16</sup>**
- (a) Employer shall give preference of employment as follows with respect to work in the New York Area on theatrical and television motion pictures covered by this BA and High Budget SVOD Programs as defined in Sideletter No. 35:
    - (1) For Second Assistant Directors, to available individuals on the New York Area Second Assistant Directors' Qualification List who have worked at least three hundred fifty (350) days in the production of motion pictures of the type covered hereunder as a Trainee,

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<sup>16</sup> See Section 24-600 for preference of employment provisions applicable to multi-camera prime time dramatic pilots, presentations and series.

Intern, Second Assistant Director, First Assistant Director, Unit Production Manager or Associate Director.

- (2) For First Assistant Directors, to available individuals on the New York Area First Assistant Directors' Qualification List who meet the qualifications set forth in subparagraph 14-403(a) or (b) and, on multi-camera stage shows, to available individuals on the New York Area Qualifications List for First Assistant Directors who meet the qualifications in subparagraph 14-403(c).
- (3) For Unit Production Managers, to available individuals on the New York Area UPMs' Qualification List who meet the qualifications set forth in Paragraph 14-404.

For the purpose of qualifying for preference of employment under this subparagraph 14-405(a), "motion pictures of the type covered hereunder" shall not include non-dramatic basic cable motion pictures.

- (b) On motion pictures covered by the introduction to subparagraph (a) above, if any individual described in the applicable part of subparagraph (a) is available for employment, Employer may employ only an individual on the respective New York Area Qualification List. However, Employer may employ any available individual on the respective Qualification List regardless of that individual's experience, or the availability of individuals on said Qualification List with greater experience. If no individual described in the applicable part of subparagraph (a) is available for employment, then Employer may hire from any source. No individual on the Qualification List will be considered available in the unusual situation in which the job requires fluency in a foreign language or a demonstratively unique skill necessary to protect the safety of cast and crew, provided satisfactory proof thereof is submitted to the Guild, and no individual on the Qualification List is available who has such language fluency or unique skill.

- 14-406** Notwithstanding anything to the contrary contained in Paragraph 14-405 above, it is understood and agreed that in the event there are no available persons who meet the qualifications set forth in subparagraph 14-405(a) on the New York Area Second Assistant Directors' Qualification List to perform the required services of a Second Assistant Director, the next preference in hiring of Second Assistant Directors shall be Trainees under the Program referred to in Paragraph 14-112, if any are available. If no such Trainees are then available for employment as Second Assistant Directors, then Employer may hire Second Assistant Directors from any source. Days so worked by Trainees shall be counted toward fulfillment of their training time only.
- 14-407** An Employer shall not be required to hire any individual under Paragraphs 14-405 or 14-406 if doing so would result in the Employer paying any greater amount for travel and living expenses than the Employer would pay if the individual resided in the New York Area.
- 14-408** If an Employer, with respect to an employment opportunity which would normally be filled from the New York lists, after interviewing all persons on the New York lists eligible and available for employment in that position, is unaware of a person on said lists who in its sole judgment possesses the particular artistic or other qualifications desired, and wishes to employ a person not on said lists who is not a minority or a woman, said Employer may do so with the written prior permission of the Guild. Prior to requesting the Guild's permission, the Employer shall document the individual's particular qualifications by presenting to the Guild declarations from at least two (2) Directors or Unit Production Managers who have worked with the individual on prior motion pictures, describing his particular qualifications. Since there are very large numbers of highly skilled white males on the New York lists, the Guild's permission will normally be given only if it is convinced that there is no person on said lists with said required artistic or other skills. This Paragraph shall in no way limit the Employer with respect to rights it may have which exist independently of this affirmative action provision.

**14-409** Paragraph 14-408 is adopted in reliance upon the EEOC's Affirmative Action Guidelines, codified in 29 CFR Part 1608. The Employer and the Guild have conducted a reasonable self-analysis of employment conditions in the occupations covered by this BA. This analysis has indicated that with respect to minorities (defined for purposes of this affirmative action provision only as all persons not properly identified as "white (not Hispanic origin)" on EEO-1 reporting forms) and women, such persons constitute a far lower percentage of individuals qualified to work on the New York Qualification List than do white men. The Employer and the Guild desire to avoid unnecessary restrictions on any protected group's access to the employment opportunities covered by this BA. Based on said statistical analysis, the Employer and the Guild conclude that there is a reasonable basis to take affirmative action. This affirmative action will insure that all groups have access to said employment opportunities. This affirmative action plan is temporary, will be re-examined with each collective bargaining agreement, is not intended to maintain a racial balance, is not intended to require the employment of any particular person or a person of any particular race or national origin or sex for any particular employment opportunity, but is simply designed to create opportunities for persons of all races, national origins and sexes to be considered for employment opportunities, and to eliminate the statistical imbalance referred to above. This plan is voluntarily entered into by the Employer and the Guild. It is under no circumstances designed to require the Employer to hire unqualified persons.

**14-410** Employer shall not be required to give preference of employment as provided in Paragraph 14-405 to Second Assistant Directors employed to manage locations in the New York Area on theatrical and television motion pictures, provided the Employer first gives consideration to individuals on the New York Area Second Assistant Director Qualification List who reside within the New York Area and have experience managing locations.

For purposes of this provision, the Employer shall be deemed to have given 'consideration' if it reviews the experience of those individuals identified by the Guild as possessing experience in managing locations in these areas.

For purposes of this provision, the New York Area shall be defined to include those locations within a seventy-five (75) mile radius of Columbus Circle, which, for purposes of this provision, shall include Suffolk County and the New Jersey shoreline to and including Atlantic City.

## **Section 14-500     THIRD AREA QUALIFICATION LISTS**

### **14-501     Initial Composition**

The respective Third Area Qualification Lists for Unit Production Managers, First Assistant Directors and Second Assistant Directors referred to in Paragraph 14-201 above shall be composed of those qualified and available persons who satisfy the eligibility provisions hereunder.

### **14-502     Requirements for Placement**

The following requirements shall determine eligibility of individuals applying for placement on the Third Area Qualifications Lists after July 1, 2014.

Any individual who has been employed one hundred twenty (120) days in work as a Second Assistant Director, First Assistant Director, Unit Production Manager or Associate Director in the production of motion pictures of the type covered hereunder shall be eligible to be placed on the Second Assistant Directors' Third Area Qualification List. Of such one hundred twenty (120) days, no more than twenty-five percent (25%) may be spent in preparation or office work and at least seventy-five percent (75%) must be spent with the actual shooting company. Likewise, Stage Managers or Associate Directors in the live and tape television industry employed one hundred twenty (120) days in the production of motion pictures of the type covered hereunder, or six (6) years in the nationwide feed of television motion pictures, shall be eligible to be placed on the Second Assistant Directors' Third Area Qualification List. Likewise, any individual who has been employed one hundred twenty (120) days in the production of motion pictures of the type covered hereunder as a Director (at least seventy-eight (78) days of which shall have been in

directing the actual shooting of film or tape) shall be eligible to be placed on the Second Assistant Directors' Third Area Qualification List.

If the work performed on a motion picture by a person, other than a person employed in a classification covered by this BA, consists solely of crowd control, then such work shall not be deemed qualifying work for the purposes of placement on the Second Assistant Directors' Qualification List.

- 14-503**
- (a) A person qualifies for the Third Area First Assistant Directors' Qualification List if the person has been employed and completed at least two hundred forty (240) working days either as a Second Assistant Director in the production of motion pictures of the type covered hereunder or as an Associate Director or Stage Manager in the production of dramatic and/or variety programs of the type covered hereunder.
  - (b) Of the working days described in (a) above, not more than twenty-five percent (25%) may be spent in preparation or office work and at least seventy-five percent (75%) must be spent with the actual shooting company.
  - (c) Also, any individual who has been employed one hundred twenty (120) days in work as a First Assistant Director in the production of motion pictures of the type covered hereunder shall be eligible for placement on the Third Area First Assistant Directors' Qualification List. Of such working days, not more than twenty-five percent (25%) may be spent in preparation or office work and at least seventy-five percent (75%) must be spent with the actual shooting company.

- 14-504**
- A First Assistant Director will qualify for the Third Area UPMs' Qualification List if such First Assistant Director has completed at least two hundred forty (240) working days as a First Assistant Director in the production of motion pictures of the type covered hereunder. Of such working days, no more than twenty-five percent (25%) may be spent in preparation or office work and at least

seventy-five percent (75%) must be spent with the actual shooting company.

Also, an individual who has completed one hundred twenty (120) days in work as a Unit Production Manager in the production of motion pictures of the type covered hereunder shall be eligible for placement on the Third Area Unit Production Managers' Qualification List. Of such working days, not more than twenty-five percent (25%) may be spent in preparation or post-production and at least seventy-five percent (75%) must have occurred during production. An individual's workdays on motion pictures on which someone else was employed as Unit Production Manager shall not be counted as qualifying work days for any purpose under this Article 14 by virtue of the individual performing UPM functions delegated to him or her pursuant to Paragraph 1-302 of this BA.

- 14-505<sup>17</sup>** (a) Employer shall give preference of employment as follows with respect to work in the Third Area on theatrical and television motion pictures covered by this BA and High Budget SVOD Programs as defined in Sideletter No. 35:
- (1) For Key Second Assistant Directors, to available individuals on any of the three Qualifications Lists: the Southern California Second Assistant Director Qualification List, the New York Area Second Assistant Director Qualification List, or the Third Area Second Assistant Directors' Qualification List;
  - (2) For First Assistant Directors, to available individuals on any of the three Qualifications Lists: the Southern California First Assistant Directors Qualification List, the New York Area First Assistant Director Qualification List, or the Third Area Qualification List for First Assistant Directors;

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<sup>17</sup> See Section 24-600 for preference of employment provisions applicable to multi-camera prime time dramatic pilots, presentations and series.

- (3) For Unit Production Managers, to available individuals on any of the three Qualifications Lists: the Southern California Unit Production Managers Qualification List, the New York Area Unit Production Managers Qualification List or the Third Area Qualification List for Unit Production Managers.
- (b) With respect to work in the Third Area on theatrical and television motion pictures covered by this BA, if any individual described in the applicable part of subparagraph (a) is available for employment, Employer may employ only an individual on the applicable Qualification Lists. However, Employer may employ any available individual on the respective Qualification Lists regardless of that individual's experience, or the availability of individuals on said Qualification List with greater experience. If no individual described in the applicable part of subparagraph (a) is available for employment, then Employer may hire from any source. No individual on the Qualifications List will be considered available in the unusual situation in which the job requires fluency in a foreign language or a demonstratively unique skill necessary to protect the safety of cast and crew, provided satisfactory proof thereof is submitted to the Guild, and no individual on the Qualifications List is available who has such language fluency or unique skill.
- (c) This Section 14-505 does not apply to employment agreements entered into before July 1, 1996.

**14-506** Employer need not give preference of employment, as provided in Paragraph 14-505, in the following situations:

- (a) to an individual assigned to work on no more than three (3) days of photography for additional scenes and/or retakes, provided Employer first gives consideration to Employees who are on the Third Area Qualification List and who reside within seventy-five (75) miles of the production office (or the location, if no production office) and, provided further, that the employed individual resides within said radius;

- (b) to individuals residing within the seventy-five (75) mile radius employed as Second Second Assistant Directors or Additional Second Assistant Directors, provided Employer first gives consideration to individuals on the Third Area Key Second Assistant Director Qualification List who reside within said radius;
- (c) During the first year of a television series produced in the Third Area, Employer may employ as the Key Second Assistant Director any individual who permanently resides within a seventy-five (75) mile radius of the production office (or the location, if no production office) and who meets the following qualifications:
  - (1) three (3) years of experience in any capacity in the film, television or commercial production industries; or
  - (2) thirty (30) days of on-set production experience on film or taped productions of the type covered by the Basic Agreement or Freelance Live & Tape Television Agreement and/or on regional or national film or tape commercials.

Provided, however, Employer must first give consideration to individuals who are on the Third Area Qualifications List who reside within said seventy-five (75) mile radius.

The Employer shall be deemed to have given "consideration" if it determines the identity of these Employees from the Guild (which shall be supplied by the Guild upon the request of the Employer) and ascertains their experience.

## **Section 14-600     UNIT PRODUCTION MANAGER MULTI-CAMERA QUALIFICATION LIST**

### **14-601     Composition**

The UPM MCQL shall be a national list. The UPM MCQL shall be in addition to the existing UPM Qualification Lists. The UPM MCQL shall be composed of those qualified and available persons who satisfy the eligibility provisions below.

### **14-602     Requirements for Placement**

- (a) The following persons shall be eligible for placement on the UPM MCQL and only the following rules shall govern placement on that List:
  - (1) Any Multi-Camera First Assistant Director or First Assistant Director already on a Qualification List who completes at least 200 shoot days as a First Assistant Director or as a Unit Production Manager/First Assistant Director on a multi-camera dramatic program shall be eligible to be upgraded to the UPM MCQL.
  - (2) Any individual who has been employed at least 275 shoot days in the production of videotape multi-camera dramatic programs performing the equivalent of Unit Production Manager duties on videotape shows. The individual must have been credited on a dramatic videotape show as either a Production Manager, Associate Producer, Producer, Supervising Producer, Coordinating Producer or Line Producer on the program for which qualifying days are being submitted. No more than two (2) individuals may submit days for a program.
  - (3) Any individual employed for 275 shoot days who performs Unit Production Manager duties on multi-camera dramatic programs.

- (4) Any individual employed for 275 shoot days prior to June 30, 1999 as a “Line Producer” (as that term is commonly understood in the motion picture industry) on any multi-camera film sitcom. For the purpose of this provision only, a “multi-camera film sitcom” shall be defined as any one-half hour program intended to be an episode, pilot or presentation for a series in the genre commonly known as sitcoms, shot on film, which utilizes multiple cameras and typically shoots predominantly in a studio.
  - (5) Any individual employed for 275 shoot days as a “Line Producer” (as that term is commonly understood in the motion picture industry) or as an Associate Producer on any multi-camera dramatic program, provided that at least one (1) of such shoot days occurs on or after July 1, 1999.
  - (6) Any individual who has been employed as a studio production executive and supervised multi-camera television productions for not less than five (5) years.
- (b) With respect to subparagraphs (a)(3), (4) and (5) above, only one individual per program may count days towards placement.
  - (c) Individuals may combine experience under subparagraphs (a)(2), (4) and/or (5) above in order to qualify for the UPM MCQL.
  - (d) Any individual applying for placement on the UPM MCQL pursuant to subparagraphs (a)(2), (3), (4) or (5) above must document that he or she performed some or all of the duties described in Paragraph 1-302.
  - (e) Individuals shall be allowed to count as “shoot days” any shooting or blocking day as well as the remaining work days in a week during which there is one at least one (1) shoot day and one (1) camera blocking day. There shall be no location requirements.

- (f) The verification process for counting days towards placement on the UPM MCQL shall include the following items, to the extent available: pay stubs; crew/staff lists; screen credit lists; and letters of verification from production company executives of the production company, but not members of the producing staff. All letters must specify the duties performed.

The parties agree to consider in good faith alternative verification documents.

- (g) The employment required under this provision for placement on a MCQL may be satisfied by employment with signatory companies to any agreement with the Guild and/or with non-signatory companies.

#### **14-603      Preference of Employment**

Employer shall give preference of employment to available individuals on the UPM MCQL or, either the New York Area Unit Production Manager Qualification List, the Third Area UPM Qualification List, or the Southern California Unit Production Manager Qualification List (whichever is geographically applicable), when employing a Unit Production Manager on a multi-camera dramatic program.

### **Section 14-700      INTERCHANGE**

#### **14-701      Commercial Qualification Lists**

- (a) Any individual who has qualified for placement and who has been placed on the Commercial Qualification List as a Second Assistant Director, First Assistant Director, or Unit Production Manager, pursuant to Article III, Sections L.4(A), (B)(b) or (C) of the DGA Commercial Agreement of 1991, or any successor Agreement thereto, shall be eligible for placement on the New York Area Second Assistant Directors' Qualification List. Any individual who has qualified for placement on the Commercial Qualification List as a First Assistant Director pursuant to Article III, Section L.4(A)a(i), (ii), (iii) or (iv) shall be eligible

for placement on the Southern California Second Assistant Directors' Qualification List.

- (b) Any individual who has qualified for placement and who has been placed on the Commercial Qualification List as a First Assistant Director pursuant to Article III, Sections L(7) or (9) of the DGA Commercial Agreement of 1991, or any successor Agreement thereto, and who has completed at least five hundred twenty (520) days as a First Assistant Director or a Second Assistant Director in commercials or in the production of motion pictures of the type covered hereunder, shall be eligible for placement on the Southern California or New York Area First Assistant Directors' Qualification List if:
  - (1) Since placement on the Southern California or New York Area Second Assistant Directors' Qualification List, he or she completes twenty (20) consecutive days of employment as a Second Assistant Director in the production of motion pictures of the type covered hereunder;
  - or
  - (2) Since placement on the Commercial Qualification List as a First Assistant Director, he or she completes one hundred (100) days (in addition to the five hundred twenty (520) referred to hereinabove) as a First Assistant Director in commercials or as a Second Assistant Director in the production of commercials or motion pictures of the type covered hereunder.

All of the above required days must include seventy-five percent (75%) shooting days of which ten percent (10%) must be on location (distant or local).

- (c) Any individual who has qualified for placement and who has been placed on the Commercial Qualification List as a Unit Production Manager pursuant to Article III, Section L(10) of the DGA Commercial Agreement of 1987, or any successor Agreement thereto, who has, since having been placed on the Commercial Qualification List as a UPM, completed sixty-five

(65) days of actual work as a Unit Production Manager and at least sixty-five (65) days as a Second Assistant Director in the production of motion pictures of the type covered hereunder shall be eligible for placement on the New York Area Unit Production Managers' Qualification List.

**14-702      New York Area and Southern California Interchange**

On a theatrical or television motion picture covered by this BA based in the New York Area, an Employer may employ a Second Assistant Director, First Assistant Director or Unit Production Manager on a Southern California Qualification List in the respective capacity if the Employer in his or her discretion deems that person to have the required skills and ability. On a theatrical or television motion picture covered by this BA based in Los Angeles, Employer may employ a Second Assistant Director, First Assistant Director or Unit Production Manager on a New York Area Qualification List who is eligible for placement on the Southern California Qualification List in the respective capacity if the Employer in his or her discretion deems that person to have the required skills and ability. DGACA shall maintain a list of individuals who are qualified for employment under this provision. The Employer's exercise of discretion to employ an individual hereunder shall not be subject to grievance and arbitration hereunder, provided that individual is properly qualified hereunder.

**14-703**      Any Second Assistant Director, First Assistant Director or Unit Production Manager on the respective Southern California Qualification List who moves his or her domicile so that it is closer to New York than to Los Angeles shall be eligible to transfer to the respective New York Area Qualification List. Any Second Assistant Director, First Assistant Director or Unit Production Manager on the respective New York Area Qualification List who meets the qualifications for placement on the Southern California Qualification List and who moves his or her domicile so that it is closer to Los Angeles than to New York shall be eligible to transfer to the respective Southern California Qualification List.

## **14-704      Interchange of Classifications**

Subject to the provisions of Paragraph 14-602 above:

- (a) Any person who is on the UPM Qualification List for a given Area (*i.e.*, Southern California, New York Area or Third Area) may be employed by Employer as a UPM, First Assistant Director or Second Assistant Director in that Area.
- (b) Any person who is on the First Assistant Director Qualification List for a given Area may be employed by Employer as a First Assistant Director or Second Assistant Director in that Area.
- (c) Any person who is on the Second Assistant Director Qualification List for a given Area may be employed by Employer as a Second Assistant Director in that Area.
- (d) A First Assistant Director shall not be elevated to Unit Production Manager, nor shall a Second Assistant Director be elevated to First Assistant Director or Unit Production Manager unless he or she is on the applicable Qualification List, except (1) in the case of emergency, in which event the Guild shall be notified as soon as practicable, or (2) in case no individual entitled to preference of employment under subparagraphs 14-305(a), 14-405(a) or 14-505(a), whichever is applicable, is available.

## **Section 14-800      CONFLICT WITH LAWS**

**14-801**      In the event that any provision of this BA relating to the Qualification Lists is affected by any legislation, decision of a court of competent jurisdiction, or decision of an administrative law judge of the National Labor Relations Board, so that such Qualification Lists are held invalid, then each of the parties hereto agrees that upon written notice from the other party setting forth the issues to be negotiated, they will renegotiate for modification of such issues so that such issues will conform to such legislation, decision of a court of competent jurisdiction or decision of the administrative law judge of the National Labor Relations Board, as the case may be. If the parties

are unable to arrive at an agreement within thirty (30) days after delivery of such notice, the matter shall be subject to arbitration in accordance with the terms of this BA.

- 14-802** Should any part of or any provision relating to the Qualification Lists be declared unlawful by any agency or tribunal of competent jurisdiction, the remainder of the provisions shall remain in full force and effect.

#### **Section 14-900 BURDEN OF PROOF**

- 14-901** Any person claiming to have fulfilled the Qualification Lists requirements herein must make a written application to DGACA or DGACA-East, as appropriate, to be so classified, no later than six (6) months following the completion of the last work assignment to be considered. Such person shall have the burden of establishing and proving any such claim by appropriate documentation.

In the event of any dispute hereunder, the decision of DGACA or DGACA-East shall be final and binding. Before placing any individual on a Qualification List, DGACA or DGACA-East shall notify the Guild of each application for placement. The Guild shall have thirty (30) calendar days from the date of such notice within which to file objections and the reasons therefor with DGACA or DGACA-East. Failure to file objections and the reasons therefor within said time period shall constitute a waiver of all objections. DGACA or DGACA-East shall consider in good faith any objections the Guild may have to the individual's placement.

All disputes between DGACA or DGACA-East and the Guild as to any alleged breach by DGACA or DGACA-East of its obligation to notify the Guild or to consider in good faith the Guild's objections to an individual's placement or to DGACA's or DGACA-East's interpretation of the provisions of Article 14 relating to such placement may be submitted to grievance and arbitration in accordance with Article 2 of this BA. Notwithstanding anything to the contrary in Article 2, the following shall apply to such arbitrations. The only parties to such arbitration shall be DGACA or DGACA-East and the Guild. A single Arbitrator shall be appointed

by mutual agreement of the AMPTP and the Guild to serve in New York to hear all such arbitrations involving DGACA-East in an expeditious manner; a single Arbitrator shall be appointed by mutual agreement of the AMPTP and the Guild to serve in Los Angeles to hear all such arbitrations involving DGACA in an expeditious manner. In the event the Arbitrator rules in favor of the Guild, the Arbitrator's authority shall be limited to suspending the placement on the Qualification List of the individual involved pending notification and/or good faith consideration by DGACA or DGACA-East of said objections. In the event the Arbitrator rules in favor of DGACA or DGACA-East, the Guild shall pay all costs and fees of the arbitration.