

## Overview and Guidelines for AFM Single Song Overdub Work

This agreement is designed to capture the growing market of Single Song "Internet Overdubs" typically performed by one or more Musicians, in a home studio, for a single Employer, most often for an independent artist or label. This is designed for independent projects as a "stand alone" scale agreement. It can only be combined with Limited Pressing projects, and cannot be used for an AFM signatory label or if the original track has been recorded under any other AFM agreement (i.e. Master Low Budget, Jingle or Demo).

The unit of commerce in this business model is the song, not the hour, and this agreement acknowledges that reality by allowing each musician to negotiate the scale amount according to supply and demand. It is our view that a musician should be able to charge by the song in a straightforward fashion without any deception or misconception about the rate.

The wages are determined by mutual agreement between the musician and employer, and the total "all-in" payment includes Pension and Health and Welfare. Unless the musician is a participant in the Local 802 or Local 47 Health plan, all monies are retained by the musician except for the Pension amount, which can be paid to the AFM-EP Fund by the musician, a payroll service, or the employer through the applicable Local.

A Scale Worksheet is included with the Agreement, listing the scale wages, Pension, H&W and Pay Pal fee for payment amounts of \$100, \$150, etc. up to \$500. Wages higher than \$500/song can easily be figured by addition or multiplication of smaller amounts. Up to 12 songs for one project in a six-month period are permissible under one Agreement. Multiple musicians can work under one Agreement if all musicians appear on all songs and everyone works at the same rate. The one exception is that the first musician to work under a signed SSOS Agreement may charge a higher rate as the designated session leader.

The typical procedure is as follows:

1. **Negotiate the Rate:** The employer contacts the musician and sends a recording of the song on CD, hard drive, or via the Internet, and the musician responds with an offer of the per-song rate or rates, with a minimum of \$100 per song or hour, at the discretion of the musician.

**2. Execute the Agreement:** When price is agreed upon, the musician emails the employer a Single Song Agreement to fill out, sign with an “X” and return. The musician then forwards the Agreement to their AFM Local for signatures by the local and the AFM national office.

**3. Approval/Payment:** When overdubs are completed, the musician sends an overall mix with the new parts added to the employer for approval. Upon approval by the employer, the agreed-upon “all in” payment, which includes scale wages, a 12.81% AFM-EP Fund Pension contribution, H&W, and an electronic transaction fee is sent to the musician. Once payment is received via check, money order or Internet transaction, the musician will send the individual tracks to the employer in an agreed upon format and method. The musician is responsible for making the Pension contribution to the Local. Musicians participating in the Local 802 or Local 47 Health Plan will also pay the H&W amount to their Local’s Health Plan.

**4. Additional Songs:** A maximum of 12 songs are permitted in a six month period for one project under one Agreement. If the musician and the employer wish to include additional songs *after* the original agreement has already been executed and sent to the local, Musician will file a separate page titled *Addendum to Single Song/Single Player Overdub Agreement – Project Title \_\_\_\_\_ [insert name of Project Title from top of Agreement]* identifying the additional song(s) and compensation, and send the page to the local.

**5. Paperwork Deadlines:** Following the completion of each overdub session, the musician will deliver the following to the local:

- Within 72 hours of the completion of each overdub session:
  - a completed “Single Song/Single Player Overdub” information input form (which is available as a downloadable pdf at [www.afm.org](http://www.afm.org), or from the local).
- Within 7 days of the completion of each overdub session:
  - a completed Single Song/Single Player Overdub Report Form (which is also available at [www.afm.org](http://www.afm.org) or from the local’s website)
- Within 15 days of the completion of each overdub session:
  - the AFM-EP Fund pension contribution (and the H&W contribution if the musician is a member of an AFM with an H&W

plan) in the form of a money order, cashier's check, or personal check, on behalf of the employer.

**6. Contracts/Pension Contributions:** The local will create and deliver the B-17 form contract and musician's pension contribution to the AFM-EP Fund (and the H&W contribution, if applicable, to the musician's Local Health Plan) no later than 30 days following the completion of each overdub session. If there is more than one pension contribution check for additional overdub sessions under one Agreement, a copy of the Agreement must accompany each check and B form sent to the AFM-EP Fund.

**7. Upgrade Threshold/Payment Amounts:** If a song reaches an aggregate manufacturing or sales threshold of 10,000 units, including digital downloads, the Musician will be additionally compensated for a Special Master Session (1.5 hrs.) at Master Scale, currently \$573.18 with an for Session Leader and \$286.59 for Sidemen, with an 12.81% AFM-EP Fund contribution. This total payment will apply for one or two songs, and no additional H&W payment is required. For more than two songs, or an entire album that has reached the upgrade threshold, the upgrade payment will be one Master Session, currently \$868.42 for Leader and \$434.21 for Sidemen, with an 12.81% Pension contribution, for each 15 minutes of music. Employer will sign the AFM SRLA Recording Agreement and make the appropriate Sound Recording Special Payments Fund contribution, if required. The current sales threshold for triggering a Special Payments Fund contribution is 34,000 copies.

**8. Leader Designation:** For any additional payments triggered by a single song or an entire project exceeding 10,000 digital and analog pressings as described above, the musician who is listed first on a contract with multiple players and/or whose Agreement with Employer is executed at the earliest date will be designated Session Leader. All other players will receive Single Scale. All song titles recorded under this Agreement must be provided. If the original (pre-overdub) track is used in the final version of the recording, that person may be added to the contract at the time of the upgrade.

**9. Assumption Agreement:** If the recording is picked up for distribution, licensed, or sold to a record label, the conditions of #7 and 8 above will apply, and an AFM Assumption Agreement must be signed.