

**American Federation of Musicians and Employers' Pension Fund  
Addendum to the Participation Agreement or Collective Bargaining Agreement  
for Limited Liability Companies**

A limited liability company ("LLC") that wishes to contribute to the American Federation of Musicians and Employers' Pension Fund (the "Fund") on behalf of its employees must complete and sign this Addendum to the Participation Agreement or collective bargaining agreement(s) to which the LLC is a party.

The Fund is permitted to accept only contributions that are made on behalf of Eligible Employees. All non-owner employees of an LLC are Eligible Employees. Some owner employees may *not* be Eligible Employees. See the box at the bottom of this page and the Worksheet on the next page to determine which owner employees are Eligible Employees.

Please list all owners/part-owners of the LLC below and check the applicable column to specify whether each is an Eligible Employee or Ineligible Employee (use an additional page if necessary). Any new owners or part-owners must be reported to the Fund immediately along with their status as an Eligible Employee or Ineligible Employee.

NAME	SOCIAL SECURITY NUMBER	ELIGIBLE EMPLOYEE	INELIGIBLE EMPLOYEE

\_\_\_\_\_ *[insert name of LLC] warrants and represents that it has not made, and will not in the future make, contributions to the Fund on behalf of any Ineligible Employee.*

By: \_\_\_\_\_ Title: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Employer Identification Number of LLC: \_\_\_\_\_

<p>An <b>Ineligible Employee</b> is an employee who is an owner or part-owner of the LLC, and who met <i>both</i> of the following requirements during the same time period at any time between January 1, 1975 and December 5, 1991. An <b>Eligible Employee</b> is any other musician employee.</p>	
<p>The person was a member of any of the following local unions of the American Federation of Musicians of the United States and Canada, AFL-CIO:</p> <ul style="list-style-type: none"> <li>⇒ 6 (San Francisco)</li> <li>⇒ 10-208 (Chicago)</li> <li>⇒ 60-471 (Pittsburgh)</li> <li>⇒ 76 (Seattle)</li> <li>⇒ 77 (Philadelphia)</li> <li>⇒ 161-710 (Washington, DC)</li> <li>⇒ 174-496 (New Orleans)</li> <li>⇒ 369 (Las Vegas)</li> <li>⇒ 655 (Miami)</li> </ul>	<p>The person was an orchestra leader, member of a cooperative group, or a single performer who satisfied <i>all</i> of the following requirements:</p> <ul style="list-style-type: none"> <li>⇒ controlled the manner of his or her musical performances (including the selection of music to be played and arrangements used),</li> <li>⇒ filed federal tax returns and paid withholding taxes due with respect to side musicians in his or her orchestra or group,</li> <li>⇒ if the person was an orchestra leader, hired, fired and disciplined musicians in his or her own orchestra, and</li> <li>⇒ made contributions to the Fund on his or her own behalf or on behalf of any side musicians in his or her orchestra or group.</li> </ul>

## Worksheet to Determine Whether an Owner or Part-Owner is an Ineligible Employee

To determine whether the owners or part-owners of the LLC are Eligible Employees or Ineligible Employees, answer the set of questions below *separately for each owner and part-owner*. If the answer to all of the questions is yes, then the individual is an **Ineligible Employee**.

1. At any time between January 1, 1975 and December 5, 1991, was the person a member of any of the following local unions of the American Federation of Musicians of the United States and Canada, AFL-CIO: Local 10-208 (Chicago); Local 6 (San Francisco); Local 60-471 (Pittsburgh); Local 77 (Philadelphia); Local 369 (Las Vegas); Local 655 (Miami); Local 161-710 (Washington, D.C.); Local 174-496 (New Orleans); or Local 76 (Seattle)?  
 **Yes.**  **No.**  
*If you answered “No,” stop here. The individual is an Eligible Employee.*
  
2. At any time between January 1, 1975 and December 5, 1991 as a member of any of the Locals listed in question (1), was the person an orchestra leader, member of a cooperative group, or a single performer?  
 **Yes.**  **No.**  
*If you answered “No,” stop here. The individual is an Eligible Employee*
  
3. Did the person perform any of the acts described below in his or her capacity as an orchestra leader, member of a cooperative group, or a single performer between January 1, 1975 and December 5, 1991 as a member of any of the Locals listed in question (1)?
  - control the manner of his or her musical performances (including the selection of music to be played and arrangements used)?  
 **Yes.**  **No.**  
*If you answered “No,” stop here. The individual is an Eligible Employee.*
  
  - file federal tax returns and paid withholding taxes due with respect to side musicians in his/her orchestra or group?  
 **Yes.**  **No.**  
*If you answered “No,” stop here. The individual is an Eligible Employee.*
  
  - make contributions to the Fund on behalf of himself or herself, or any side musicians?  
 **Yes.**  **No.**  
*If you answered “No,” stop here. The individual is an Eligible Employee.*
  
  - hire, fire, and discipline musicians in the orchestra (if the owner-employee was an orchestra leader)?  
 **Yes.**  **No.**  **N/A, because the person was not an orchestra leader.**  
*If you answered “No” or “N/A”, stop here. The individual is an Eligible Employee.*