

IATSE Summary of Tentative Revised and Extended COVID-19 Return to Work Agreement

- 1) Term & Effective Date: The Revised and Extended COVID-19 Return to Work Agreement is effective July 19, 2021 and expires on September 30, 2021.
  
- 2) New Agreement Structure:
  - a) Part I contains stricter protocols that always apply outside the US and Canada and apply within the US Canada when COVID risk is high according to the below triggers.
    - i) Part I is triggered if the covid transmission rate (aka “r-naught”) is above 1.1 for a 7 consecutive day period and the new case count is at or above 10 per 100,000 for that same period. This is determined per the applicable metropolitan area or county, if there is no applicable metropolitan area, or Province for Canada.
    - ii) When Part I is triggered, Producers have 24 hours to reimplement the personal protective equipment (“PPE”) and physical distancing requirements of Part I and must implement the remaining Part I requirements as soon as possible, but in no event more than 7 days after the expiration of the triggering 7-day period.
    - iii) Los Angeles is by agreement automatically under Part I. Several cities including New York, Atlanta and New Orleans may trigger Part I status soon.
  - b) Part II contains less-strict protocols that apply when the below triggers are not met and COVID risk is therefore not as high.
    - i) When the confirmed transmission rate (“r naught”) falls below 1.1 for 7 consecutive days and the number of daily new cases falls below 10 for that same 7-day period, Part II is triggered and Producers may implement the less strict protocols.
    - ii) All areas outside of Los Angeles are presumed to start out under Part II until and unless the Part I triggers are met.
    - iii) The differences between Parts I and II come in the areas of testing requirements, PPE and close-proximity to performers (e.g, make-up application) as reflected below.
  
- 3) Periodic COVID-19 Testing Requirements
  - a) Part I (Stricter Protocols): Periodic Zone A testing is the same (*i.e.*, 3 times per week if the person works 5 days with at least 1 lab-based PCR per week) except that:

- i) For fully vaccinated employees, approved antigen tests may be used provided that one test per week must be a non-pool tested lab-based PCR test.
  - ii) Pool testing may also be used in the prescribed manner regardless of vaccination status.
- b) Part II (Less Strict Protocols):
- i) Fully Vaccinated Employees:
    - (1) Zone A: Fully vaccinated Zone A employees need only be tested once per week using a lab-based PCR test.
    - (2) Zone B: Fully vaccinated Zone B employees need only be tested once every other week, on a staggered basis such that half of the Zone B employees are being tested each week, using a lab-based PCR test.
    - (3) Zones C & D: Periodic testing is no longer required for fully vaccinated Zone C employees and was never required for Zone D employees.
  - ii) Unvaccinated Employees:
    - (1) Zone A: Unvaccinated Zone A employees must be tested 3 times per week, with at least one test being a lab-based PCR test that is not pool-tested.
    - (2) Zone B: Unvaccinated Zone B employees must be tested once per week using a lab-based PCR.
    - (3) Zones C & D: Unvaccinated Zone C employees must be tested once every other week, on a staggered basis such that half of the Zone B employees are being tested each week, using a lab-based PCR. Pre-employment testing is not required for Zone D employees under Part II (periodic testing was never required for Zone D employees).
- c) Antigen testing: Use of approved antigen tests is allowed in certain cases, but at least 1 test per week must be a lab-based PCR. In the event of a positive antigen test result, the employee will be retested with a lab-based PCR test and that result will govern. Alternatively, the employee may be retested with another antigen test and if that result is positive the employee shall be deemed positive. If the second antigen test under this alternative is negative, then the employee shall be retested with a lab-based PCR and that result will govern.
- d) Pool testing: Subject to FDA rules, as many as eight employees' samples may be combined and tested together using a lab-based PCR test and if the result is negative all eight employees are deemed negative. If the result is positive all eight employees are deemed positive until each

individual, simultaneously-obtained sample is retested, and the positive employee or employees are identified.

- e) Testing in connection with air travel: Now, employees traveling by air within the US and Canada need only take a pre-flight test if required by the airline or a government authority. For travel outside the US and Canada, a pre-flight COVID-19 test must be administered not more than 72-hours prior to departure and the result obtained before departure. Post-flight testing requirements have been removed. Employees traveling by air shall be deemed engaged not later than the date of travel.
  - f) Payment for Time Spent Screening: There is no change to these requirements except that no payment is due to a prospective employee who is hired after undergoing testing but who fails to report to work.
- 4) Personal Protective Equipment (“PPE”)
- a) Part I (Stricter Protocols):
    - i) Unvaccinated employees must wear masks at all times, including outdoors, except when eating, drinking, or when their job duties prevent them from doing so.
    - ii) All employees must wear masks indoors (except when eating, drinking, or when their job duties prevent them from doing so) and while riding in vehicles, but fully vaccinated employees need not wear masks outdoors.
    - iii) Requirement to provide a face shield and goggles to employees working in close proximity now only “upon request.”
  - b) Part II (Less Strict Protocols):
    - i) Unvaccinated employees must wear masks at all times, including outdoors, except when eating, drinking, or when their job duties prevent them from doing so.
    - ii) Fully vaccinated employees must wear masks while riding in a vehicle. Fully vaccinated employees need not wear masks outdoors. Fully vaccinated employees need not wear a mask indoors (including all indoor locations) as long as the producer uses best efforts to maximize indoor airflow and the indoor space utilizes air filters with a MERV-13 rating or higher, or alternatively, the indoor space has implemented CDC recommendations on air filtration in buildings, such as use of adequate portable HEPA filtration or increased outside air.
    - iii) Requirement to provide a face shield and goggles to employees working in close proximity now only “upon request.”

- c) Stricter Policies: Under both parts, Producers may implement stricter policies on PPE as long as they are reasonable, including re-implementing stricter protocols from the original Exhibit A/Whitepaper Guidelines.
- 5) Mandatory Vaccination:
- a) Production-by-production for Zone A and Studio Teachers: Producers may in their discretion implement policies requiring that current and prospective employees in Zone A, studio teachers and others who come into close contact with minors be “fully vaccinated” as a condition of employment where permitted by law. Backlot employees, Local 700 post-production employees, and local 871 Script Coordinators and Writers’ Room Assistants may be required to be vaccinated on a case-by-case basis. The Teamsters will make best efforts to ensure that fully vaccinated drivers are available for vehicles that convey cast.
    - i) “Fully Vaccinated” currently means that at least 14 days have passed since the employee received a Johnson & Johnson COVID-19 vaccine shot or a second shot of Pfizer or Moderna COVID-19 vaccine. New vaccines can be used in the future if they are approved by the FDA.
    - ii) Disabilities and sincerely-held religious beliefs must be reasonably accommodated as required by law.
    - iii) Employees that are too young to receive a vaccine (currently, under 12 years old) shall not be subject to a mandatory vaccination policy.
    - iv) Notice to the union that Producer is implementing a mandatory vaccination policy is required as soon as practicable.
  - b) Vaccination Status Inquiries
    - i) Mandatory Vaccination Policy in Place: A producer that has implemented a mandatory vaccination policy may only require a prospective employee to respond “yes” or “no” as to whether any of the following is true: The prospective employee is fully vaccinated or has a sincerely held religious belief or disability that would prevent them from becoming fully vaccinated. The offer will be conditioned on verification of (i) fully vaccinated status or (ii) disability or sincerely-held religious belief and a determination, after engaging in the legally-required interactive process, that the disability or sincerely-held religious belief can be accommodated without undue hardship.
    - ii) No Mandatory Vaccination Policy in Place: On a production that has not implemented a mandatory vaccination policy, the producer may not inquire about vaccination status until after an offer of

employment is made, but may thereafter require the employee to verify vaccination status prior to commencement of employment, including at the time of a pre-engagement test, provided that the offer is not contingent upon vaccinated status.

c) Verification of Vaccinated Status: To verify vaccination status, Producer shall require individuals to provide one of the following types of proof of vaccination:

- i) A digital vaccination card maintained by a government, vaccination provider or verification service that checks against government records;
- ii) Production or upload of a physical vaccination card or copy of a physical vaccination card;

Producer must maintain any documentation of vaccination status securely and available only to those with a need to know.

d) Visible System: Producer shall establish a system by which an employee's entitlement to work under protocols applicable to fully vaccinated persons will be clearly and visibly identified while working so that the terms of this Agreement may be properly administered by the COVID Compliance Supervisor.

e) Temporary COVID Sick Leave applies to time spent getting vaccinated and recovering from the effects of vaccination for employees already engaged on a production.

f) Quarantine Pay: For travel to locations that require unvaccinated people to quarantine for any period of time, Producer need not pay an unvaccinated employee for legally required quarantine beyond any minimum set by law and need not make benefit contributions on any required compensation if that employee would not have had to quarantine pursuant to the law of the applicable jurisdiction if they were fully vaccinated. This shall not apply to those who are unvaccinated due to a disability or a sincerely held religious belief, practice, or observance.

g) Transitional Period: Employees have 1 week from the effective date of this agreement to receive their first dose of COVID-19 vaccine to remain eligible for employment notwithstanding their "fully" vaccinated status even where the producer has implemented a mandatory vaccination policy. Employees have six weeks following the expiration of the foregoing one-week period to become "fully vaccinated" and retain their eligibility for employment where the producer has implemented a mandatory vaccination policy.

- 6) COVID-19 Training: Producers may use their own training courses in lieu of or in addition to the “C19” training course offered by the Contract Services Administration Trust Fund, and any Producer-specific training shall be paid as work time.
- 7) Meals: Prohibition of buffet-style meal service and physical distancing requirements applicable to meal service will now apply only to unvaccinated employees.
- 8) Transportation:
  - a) Part I (Stricter Protocols):
    - i) Separate Vehicles: Producer shall transport vaccinated and unvaccinated passengers in separate vehicles.
    - ii) Vaccinated Passengers: When all passengers are fully vaccinated, vans may operate at full capacity. The driver and all passengers must wear masks.
    - iii) Non-Vaccinated Passengers: When any passenger is not fully vaccinated, vans may operate at 75% capacity when traveling between set and parking, basecamp or meal locations, but may only operate at 50% capacity for any other trip. The driver and all passengers must wear masks.
    - iv) Non-Masked Passenger: Notwithstanding the foregoing, if any passenger cannot wear a mask, e.g., a performer in make-up, then the original physical distancing requirements apply.
  - b) Part II (Less Strict Protocols): Producers may operate transportation at full capacity, but all drivers and passengers must wear masks. Notwithstanding the foregoing, if any passenger cannot wear a mask, e.g., a performer in make-up, then the original physical distancing requirements apply.
- 9) Exhibit A/Whitepaper Guidelines: The parties deleted a substantial amount of language from the Exhibit A/Whitepaper Guidelines, resulting in a single, combined set of Guidelines applicable to Part I and Part II.
  - a) Performers and those in Close Proximity to Performers: Subject to subsection (b) below, certain additional Guidelines applicable to performers who cannot physically distance and/or mask and to cast and crew that are in close proximity to such performers are now applicable only to unvaccinated employees.

- b) Make-Up/Close Proximity to Performers:
  - i) Part I (Stricter Protocols): Notwithstanding the foregoing, the requirements of PPE, hand-hygiene and minimizing time of contact applicable when in close proximity to a performer that cannot physically distance (e.g., when a performer is having make-up applied) are applicable to vaccinated and unvaccinated employees under Part I. This means that under Part I, a make-up artist must continue to wear appropriate PPE while in close proximity to a performer that cannot physically distance even if the make-up artist and performer are both fully vaccinated.
  - ii) Part II (Less Strict Protocols): Make-up and hair personnel must wear masks when in close proximity to a performer who cannot wear PPE regardless of vaccinated status unless the performer agrees otherwise.
- c) Live Audiences are now allowed if audience members are vaccinated and undergo symptom screening upon entry. There must be appropriate physical separation between live audiences and performers working without PPE.
- d) Other Language: Additional language was removed or modified to apply only to unvaccinated employees including language regarding sanitization and disinfection requirements, hand hygiene, physical distancing, and administrative language about revising the Guidelines.

*This is a summary of the changes only and is not contract language. The executed COVID-19 Return to Work Agreement is the final contract document.*