

Axium Bankruptcy Information

Axium International, an Entertainment Industry payroll service provider has ceased operations and filed for bankruptcy protection under Chapter 7 of the federal bankruptcy code.

Upon learning of Axium's default on January 8, 2008, the IATSE took immediate action gathering information, identifying issues, engaging an attorney expert in bankruptcy and employment matters, instituting legal measures and establishing protocol to communicate with the affected Locals and members.

It should be noted that Axium is not the "Primary" signatory for the majority of the payroll it receives. The signatory production company will remain liable for any unpaid wages and benefits on your behalf. In some instances Axium has been designated as the "Primary" employer. The following information is offered as guidance to members and Locals affected by the shut-down of Axium:

1) **What should I do if I have or receive a paycheck through Axium?**

If you have a paycheck through Axium or any of its subsidiaries it is highly likely that there are insufficient funds available to pay it. If a check is deposited at this point it is likely to be returned as "unpaid." Keep all pay-stubs and records of any checks (and associated costs) returned for insufficient funds.

2) **What should I do if Axium was the "Primary" Employer of record under an International agreement?**

If Axium was the primary employer on a production, then the IATSE will have your name and claim amount added to the claims owed by Axium. These amounts are subject to adjudication through the bankruptcy proceedings. The Union is in the process of identifying all jobs that were paid with Axium as the primary employer.

If you believe that you have outstanding wages owed to you and have not received a check you should contact the Producer of the project on which you worked to seek payment, and let your Local Union know that you are owed money. You should gather any records or documents that help establish the days and hours for which you performed work but were not paid.

3) **What should I do if Axium was the payroll company, not the employer?**

As stated above, this will be the case in the majority of productions payrolled by Axium. Contact the production company immediately to receive information on the issuing of the new payroll checks. Most productions have already contacted a new payroll company to process payroll in this regard. Additionally, contact your Local Union to insure compliance in this regard. Make sure to immediately report any company refusing to make you whole as a result of Axium's default.

4) **What about my W-2 forms?**

It is unclear whether Axium will comply with its obligation to provide you with the W-2 form. If you do not receive a W-2 form from Axium by February 15th from your employer/payer, you may call the IRS at 1-800-829-1040 for assistance. You must provide your name, address (including zip code), phone number, Social Security Number, dates of employment, your employer/payer's name, address (including zip code), and phone number. The IRS will contact the employer / payer for you and request the missing form. IRS will also send you a Form 4852 (PDF), Substitute for Form W-2.

If you do not receive the missing form in sufficient time to file your tax return, you may use the Form 4852. If you receive the missing or corrected Form W-2 after you file your return and a correction is needed, use Form 1040X (PDF), Amended U.S. Individual Income Tax Return. Refer to Topic 308, Amended Returns, for additional information.

The IRS has a link to the website: <http://www.irs.gov/taxtopics/tc154.html>.

This is not intended to be legal advice. If you have personal tax questions or considerations you should consult with your tax advisor or a tax attorney.

SAVE ALL INCOME RELATED DOCUMENTS!!!

We will update information as it becomes available.