

## MBA Enforcement

### CONTRACT INTERPRETATION & LATE PAY ENFORCEMENT

With more than 3,000 calls per month on subjects from the simple (the minimum for a half-hour network script) to the sublime (the process to reacquire rights to an unproduced script), the Contracts Department assists both writers and employers in understanding the Guild Minimum Basic Agreement (MBA). The department also assists writers when Companies may have violated their rights under their individual employment agreements or the MBA. Some believe the Guild contract, at 456 pages, is the most complex collective bargaining contract in the country (possibly in the world).

The department collected \$1,734,526 for writers in the last year and each month had an average of 230 investigations open for writers involving a wide array of MBA provisions. Reacquisition cases made up the bulk of these investigations, with an average of about 115 open at any given time.

Late Pay enforcement continues to be an important function for the department, providing immediate assistance to writers who have not received prompt payment for their work. Members with unpaid or late-paid compensation should call the Contracts Department at (323) 782-4501 or use the Late Pay Help form at WGA.org. The Guild continues to seek solutions to this difficult problem.

#### “FREE REWRITES”

The Guild suffered a significant adverse decision in the arbitration to stop so-called “free rewrites.” In light of this decision, the Guild has undertaken an education campaign to



inform writers and their representatives how to ensure writers are paid for all writing services. In addition, the Guild continues to consider strategies to address this problem.

### GRIEVANCE AND ARBITRATION

When a writer has a dispute with an employer under a WGA contract, the Guild Legal Services Department provides representation for the writer in the arbitration process established by the Guild collective bargaining agreement. In the last year, the department resolved 144 compensation, credits, and separation of rights cases. The monetary results of these actions for compensation, damages, pension and health contributions, and interest totaled \$1,797,920.57 for writers and \$111,645.00 for the Guild. The Guild won significant arbitration victories in the areas of script reacquisition, credits, and compensation.

### SIGNATORIES DEPARTMENT

The last year brought both negotiations prepa-

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rations and database upgrades to the Guild's Signatories Department. In the year leading into a contract negotiation, there are technicalities and practicalities that fall to the Signatories Department for fulfillment. This negotiating cycle was no different, except that it coincided with the department's participation in the multi-year renovation of the Guild's databases, which involves both a transition to new, enhanced software and the scrubbing of the data to ensure the highest-quality information base for all other Guild enforcement efforts.

As part of its more routine efforts to keep signatory companies on the hook for their obligations to writers, the department continued to develop its proactive Security Interest Program. The department reviewed titles of TV pilots, TV series, TV motion pictures and theatrical motion pictures about to go into production to determine Guild-signatory status. If the department was unable to obtain a studio guarantee for a WGA-covered project, it pursued a security agreement (often in conjunction with SAG and DGA), an inter-creditor agreement, an assumption agreement, a residuals reserve, or a collection account.

### **AGENCY OUTREACH**

In April 2003, the Agency Department launched a searchable online database of writer representation listings. Employers and others can search the Guild website to find the agent contact listed for a Guild member. This technology is significantly more convenient than the phone and fax technology previously used, though those methods remain in place. Other representatives (managers, attorneys, etc.) for writers with no agent will

be added in the coming year. The Guild is attempting to track other representatives of writers as rigorously as we do agents, so if your business manager, personal manager, attorney or other representative is not yet listed with the Guild as representing you, or if you change representation, please notify the Guild by calling (323) 782-4502, faxing (323) 782-4805, or e-mailing [agency@wga.org](mailto:agency@wga.org).

### **CHARACTER PAYMENT ENFORCEMENT**

When a writer creates a character in a television program that is used in a subsequent program, compensation is often due in the form of a "character payment" as provided by the Guild MBA for characters that meet certain conditions. This has been an area of particular focus in the last year, with almost \$50,000 collected by the Guild, in addition to the payments made correctly by employers.

### **MEMBER SERVICES**

The Member Services Department is available to members as a one-stop solution to any problems that cannot be solved elsewhere. The department can be reached at (323) 782-4713. During the year, the Board appointed Board member Elias Davis as the Member Liaison to work with this department to address member concerns not otherwise satisfied. Davis can be reached at [memliaison@wga.org](mailto:memliaison@wga.org).

The department coordinates member outreach to television series production offices visiting 65 shows over the last year. In addition, the department coordinated and conducted screenwriter outreach meetings and a variety of informational member and town hall meetings in support of negotiations.