

## MBA Enforcement

### CONTRACT INTERPRETATION & LATE PAY ENFORCEMENT

With approximately 2,000 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 \$453,171 for writers in the last year and each month had an average of 240 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 120 open at any given time.

### LATE PAY AND FREE REWRITES

The Board-appointed Late Pay/Free Rewrite subcommittee continues to develop educational and enforcement strategies to address these problems. Moreover, enforcement in this area continues to be an important function for the



Contracts 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 [www.wga.org](http://www.wga.org).

### GRIEVANCE AND ARBITRATION

The WGAw Legal and Claims Department champions and enforces the rights of writers and the WGAw by representing both in disputes with companies that are signatory to any of the Guild's collective bargaining agreements (most often the MBA). The Legal and Claims Department will investigate any writer's belief that a signatory company has violated his or her rights under the collective bargaining agreement or under the writer's personal services contract. Following a full investigation, if a violation has occurred, the Legal and Claims Department will enter into settlement negotiations with the company. If the matter cannot be resolved through informal discussions, the Legal and Claims Department will initiate grievance and arbitration proceedings against the company, during all phases of which it will represent the writer and the Guild. In the last year, the Department resolved 146 cases concerning disputes over compensation, credits, residuals, separation of rights and other contract violations as a result of which it collected compensation, residuals, damages, pension plan and health contributions and interest for writers totaling \$2,147,856.21 and damages for the Guild totaling \$117,626.00.

### SIGNATORIES DEPARTMENT

The Signatories Department continued its participation in the multi-year renovation of

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the Guild's databases.

After the members' ratification of the 2004 WGA Theatrical and Television Basic Agreement, the Signatories Department began the process of signing companies to the Guild's new collective bargaining agreement. There were approximately 631 signatory companies by the end of the year.

The Signatories Department continued to develop its proactive TriGuild (with SAG and DGA) Security Interests Program. If the department was unable to obtain a studio guarantee for a WGA-covered project, then it pursued other financial assurances including a security agreement, an inter-creditor agreement, an assumption agreement, a residuals reserve, or a collection account.

#### **AGENCY OUTREACH**

Earlier this year, Guild staff conducted educational outreach meetings with the major agencies, outlining new provisions of the 2004 MBA as well as reviewing pertinent residuals, credits, separated rights, and creative rights provisions. The Agency Department also maintains a searchable online database of writer representation listings. Employers and others can search the Guild website to find the agent for a Guild member. This technology is significantly more convenient than the phone and fax technology previously used, though those methods remain in place. The average number of monthly views of the online search is 20,000. Other representatives (managers, attorneys, etc.) for writers with no agent will be added to the database 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 phone (323) 782-4502, fax (323) 782-4805, or email [agency@wga.org](mailto:agency@wga.org). Finally, the Agency Department is currently working with other Guild departments to create a system for writers' business managers to report dues online.

#### **CHARACTER PAYMENT ENFORCEMENT**

When a writer creates a character for 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 was an area of particular focus in the 2004 MBA negotiations. The result was that the companies agreed to pay character payments through the WGA Residuals Department and to form a joint committee to consider ways to simplify both the process and the rules associated with a writers' eligibility for character payments.

#### **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. Board members Elias Davis and Craig Mazin are the member liaisons working with this department to address member concerns not otherwise satisfied. They can be reached by phone at (323) 782-4567 or by e-mail [memliaison@wga.org](mailto:memliaison@wga.org). Individually, they can be contacted at [edavis@wga.org](mailto:edavis@wga.org) or [cmazin@wga.org](mailto:cmazin@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