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## MBA Enforcement

### CONTRACT INTERPRETATION & LATE PAY ENFORCEMENT

With more than 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 589 pages, is the most complex collective bargaining contract in the country (possibly in the world).

The department collected \$941,054.73 for writers in the last year and each month had an average of 280 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 140 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. On Dec. 8, 2005, the subcommittee hosted a Free Rewrite Town Hall where writers came to discuss this critical issue. And in May 2006, the Free Rewrite Help Desk was launched for writers to speak to other writers about how to handle situations where producers and others are asking for uncompensated writing services.

Enforcement in these areas continues to be an important function for the Contracts

Department, providing immediate assistance to writers who have not received prompt payment for their work. Writers who have not been paid or who have been paid late should call the Contracts Department at (323) 782-4501 or use the Late Pay Help Form on the WGAw's website. Writers who want contract information from Guild staff or professional advice from other writers on how to handle free rewrite situations should call (323) 782-4722 or go to the Free Rewrite Help Desk link at the WGAw's website under "Contract Enforcement."

### 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). After initial intake and review by the Guild's Contracts or Credits/Creative Rights departments of potential claims concerning compensation (other than residuals), separation of rights, violations of credits or creative rights provisions, or other contract violations, the Legal and Claims Department investigates 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. If a violation appears to have 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

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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, it collected compensation, residuals, damages, pension plan and health contributions and interest for writers totaling \$1,818,494 and damages for the Guild totaling \$112,562.

### **SIGNATORIES DEPARTMENT**

Since the members' ratification of the 2004 WGA Theatrical and Television Basic Agreement, the Signatories Department signed 1,073 companies to the Guild's collective bargaining agreement. These signatories are bound to basic agreement provisions that include minimum compensation, credits, residuals, separation of rights, pension and health contributions, and grievance and arbitration procedures. The department also signed dozens of informational and interactive program contracts. These contracts made it possible for writers of educational, interactive and industrial programs to earn pension and health benefits. Signatories continued its financial assurances program. The assurances included studio guarantees, security agreements, inter-creditor agreements, assumption agreements, residuals reserves and collection accounts.

### **AGENCY OUTREACH**

Because the Agency Department maintains an online database of writer representation listings on the Guild's website, employers and others can easily search for a Guild member. On average, the number of monthly online search views is 20,000. With so many people now comfortable online, this technology has become more convenient to many than call-

ing or faxing the Agency Department for the information, although those methods remain in place. Contact information for other types of representatives (managers, attorneys, etc.) for writers who have no agent may be obtained by calling the Agency Department at (323) 782-4502. In the near future, their contact information will be added to the database. The department tracks other writers' representatives as rigorously as it does 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).

### **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. During the 2004 MBA negotiations, the companies agreed to pay character payments through the WGA Residuals Department and to form a joint committee that will meet prior to the 2007 MBA negotiations to consider ways to simplify both the process and the rules associated with a writers' eligibility for character payments.

### **MEMBER SERVICES**

The Member Service Department's primary mission is direct member outreach and communication. In the upcoming year, the Department will be engaged in meetings with members to discuss issues of concern and interest to members. The department is also available to members as a one-stop solution to problems that cannot be solved elsewhere

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or when members are unsure with whom to talk. The department's main number is (323) 782-4567. Finally, the department also works with the Member Liaison appointed by the Board of Directors. The member liaison's role is to facilitate communication between the members and the Guild—particularly in situa-

tions where a member may feel that staff has not resolved or fully answered that member's issues. Currently, Craig Mazin serves as the member liaison. He can be reached care of the department at (323) 782-4567 or directly at [cmazin@wga.org](mailto:cmazin@wga.org).