



My left eye

My journey started four weeks ago. I woke up Monday morning and went into work. In this miserable economy, having a job in our field is indeed a blessing, so driving in, I dismissed the funny looking black squiggles in the upper left part of my left eye. I got to my cubicle, turned on my Cintiq and started working on a storyboard, staring intently into the light of the Cintiq as I worked.

Later that day, my friend poked her head into my cube. I took one look at her and exclaimed, “Carin-Anne! Your head is covered with calligraphy!”

“Call the doctor now,” she firmly stated. And I did.

I got a referral and an appointment for the next day to see the ophthalmologist. He didn’t seem too concerned. He wanted to see me in a week or so. I scheduled an appointment for October 13, and went in to work. I worked all that week with the annoying black squiggles in my eye.

The following Monday, October 10, I could not see much out of the eye. The squiggle was gone, replaced by the blurriest of blind spots covering my field of vision. Still went into work, but found it easier to wear an eye patch over the eye. But my husband, Bob, was concerned. We did some tests that night. I covered my good eye and tried to “see”. I could not make out faces or how many fingers he was holding up. I was only three feet away from him. At one point he walked out of my line of vision, but I did not track him. “Get back to the doctor tomorrow,” he said, worriedly.

The doctor saw me first thing — I walked in at 8:30 am. He declared I had a vitreous hemorrhage, and referred me to a retinal specialist who saw me immediately. The specialist did many tests, including ultrasound, but saw nothing. Too much blood. He wanted to see me in three days.

(see *MY LEFT EYE*, page 9)



From the Business Representative

What's in it for the employer?

A commenter on the TAG Blog (animationguildblog.blogspot.com) offers:

... what I was looking for is what does it cost a studio to be union. I have worked at both union and non union and have enjoyed both. I do enjoy union more for the health benefits and the IAP but have enjoyed myself at non union shops as well as far as work goes. ...

In a nutshell, it costs union employers the wage rates in the TAG collective bargaining agreement, plus the cost of benefits. (Seven bucks an hour, give or take.)

Here's a reality you might find surprising coming from a grizzled Business Agent: In the time I've done this, I've seen (some) pretty bad union studios and (some) pretty good non-union studios. One *good* non-union example: **Film Roman**, in the first few years Phil Roman ran it.

Back in the studio's early years, Phil's cartoon factory was located in Toluca Lake and producing *Garfield*. It offered nice benefits, good pay, and fairly relaxed working conditions. TAG attempted to organize the facility in 1991 and failed. (Phil ran the joint much the same way his long-time boss Bill Melendez ran his union shop in Hollywood.)

Over time, however, Phil's studio got bigger, Phil took the company public and then lost control of it. And working conditions, pay and benefits got crappier. Ultimately, Film Roman employees had enough of the deteriorating workplace conditions and organized the studio under an Animation Guild contract.

Some non-union studios pay experienced workers as well or better than union studios. Their benefits packages are comparable or only slightly worse. A few non-union shops offered a generous array of benefits to "permanent staff," while production hires got a minimalist health care package and little to no retirement benefits. (This was true of Sony Pictures Imageworks in its heyday.)

Now to answer the other part of the commenter's question, "What's the point of a union for the studio?" Here's a few:

1) Efficiencies of scale. The Motion Picture Industry Pension and Health Plan has \$5 billion in assets and over 100,000 participants. On the Health Plan side, its size and money enable it to negotiate highly competitive health care rates for participants, something that a studio of 50 or 150 employees has no way of doing. And because it has billions in plan assets, it's able to hire the best financial advisors and legal talent available.

2) Access to a large, well-trained workforce. When Imagi set up shop in Sherman Oaks, it tried to recruit story artists from various big, union studios, but had few takers. One of their execs said to me: "*We **have** to sign a contract with you, because we can't get the people we need without it ...*" (This, frankly, is the strength of a lot of entertainment guilds. If an employer wants to hire a SAG actor or WGA writer or DGA director, they need to sign a contract with the appropriate labor organization.)

3) Training programs. The Contract Services Administration Trust Fund provides block grants for training to employees of union shops, which offers skill boosts to union members in dozens of guilds every year. And a while back, TAG partnered with Disney to offer computer training to animation artists that went on for over two years. Today, the Animation Guild offers classes in various related crafts at its building in Burbank, as well as providing training DVDs from its growing library to any TAG member who needs them.

It's easy to forget in this corporatist age that the United States wasn't originally set up for the exclusive benefit of conglomerates and international corporations. The Wagner Act, also known as the Fair Labor Standards Act, was enacted seventy years ago to protect workers from corporate over-reach and give them an independent voice in the workplace. The Act has been muffled and subverted over the years, but I still think it's a commendable piece of legislation that continues to have meaning.

It's also the reason the Animation Guild and other unions and guilds exist.

— Steve Hulett

Congratulations to the new officers!

On November 1, the Executive Board met to fill the vacancy caused by the death of Vice-President Earl Kress.

The Board elected **NATHAN LOOFBOURROW** to serve as the Animation Guild's new Vice-President. Nathan, a technical director at DreamWorks, is in his second term on the Executive Board.

The Board also picked **EUGENE SON**, an animation writer employed at Hasbro, to fill the vacancy caused by Nathan's elevation to Vice-President.

Nathan and Eugene will serve at least until the end of the current Board term in 2013. Congratulations to both!

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Save your paystubs!

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THE PEG-BOARD is published monthly by The Animation Guild and Affiliated Optical Electronic and Graphic Arts Local 839 IATSE, 1105 N. Hollywood Way, Burbank, CA 91505-2528
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The Peg-Board is printed on recycled paper.



From the Organizer

Wage theft: what can you do?

*Last month, TAG organizer **STEVE KAPLAN** detailed a scam being perpetrated by Yurcor, an “employer of record” (EOR) that hires artists and loans them out to The Mill and other non-union visual effects houses. Yurcor is not only illegally treating employees as “independent contractors,” but is deducting the employer’s share of state and Federal taxes, unemployment insurance and workmen’s comp from employee’s paychecks. This month, Kaplan tells us what to do about it.*

Many thanks to all those who have contacted me to discuss their experiences with Yurcor and other EOR companies. Through the documents that have been shared with us, as well as the correspondence with representatives of these companies, we’re progressing with our plans to seek enforcement of the law and the return of wages to the affected artists. A special debt of gratitude needs to be paid to Justin Cone who exposed our efforts to the readers of his website Motionographer and brought us exposure we never would have been able to do on our own. While I am eager to update you on what has transpired so far, I can only say that we have made significant progress and things are looking good. I will continue to update our progress when I can.

I wanted to specifically address the frequent questions that have been raised about what artists can do if they wanted to act on their own to recover the wages that they lost to Yurcor. While it’s our intention to instigate a nationwide class-action lawsuit, some artists are eager to start the recovery process faster than we can initiate the claim. For them, I want to post some information that would be useful.

I’ve been in contact with the California EDD and the New York State Department of Labor. Through those conversations, I was told what steps artists should take if they decide they are interested in pursuing action against Yurcor.

Before you proceed in any legal venture of this nature, you must have proper documentation of the transgression at your disposal.

(see FROM THE ORGANIZER, page 7)

Do you like trees?

Well, guess what, so do we ... and we'd like your help in saving a few of them. How can I help, you might ask?...

Well, it's easy! Just email us your request to have future *Peg-Board* newsletters sent to you by email. You will receive it sooner than those who get it by snail-mail. and the pictures will be in color.

Please sign up today, and keep our leafy, green trees around for a while longer! Just send an email with your request to lyn@animationguild.org and we will add you to our list.



Upcoming contract holidays:

Thanksgiving and the day after

(November 24 and 25)

Christmas

(celebrated December 26)

New Year's Day

(celebrated January 2, 2012)



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FROM THE ORGANIZER

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This would be copies of Payroll Reports from the EOR that detail the employer tax withholdings for the entire claim you want to file. Meaning, if you worked for a studio for six months under Yurcor, and want to recover the wages withheld to pay the employer taxes, you will need records showing all six months' worth of withholdings.

California

To file a claim with the EDD, follow the steps outlined under the webpage ***To Report Payroll Tax Fraud*** at <https://askedd.edd.ca.gov/frmFraudStart.htm>.

For the purposes of these reports, you should answer the questions on the Fraud Reporting Form as described:

To which EDD program does your report relate? with **Payroll Tax Fraud**

Does this report involve fraud by an EMPLOYER, EMPLOYEE, or BOTH? with **Employer**

In the subsequent form, list how Yurcor is withholding your earnings to pay the Employer Taxes for loaning you out to the visual effects studio. For name of person owning the business, list "Unknown" and leave the Full-Time and Part-Time employees.

New York

To file a claim with the Labor Standards Department of the New York Department of Labor, first have the LS 223 form completed.

The form is pretty self-explanatory, however be sure to fill out the last few questions accordingly:

25. List the **TOTAL** amount of Employer Tax withholdings that were withheld from you by the EOR. This is for the entire time you worked for them. It is important that you have the documentation to back up this claim.

26. Mark the [**Yes**] box

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FROM THE ORGANIZER

(continued from page 7)

27. It's best to list "See Documentation" and be prepared to show invoices for the period listed in the claim.

29. Mark the [Yes] box and write in the following column that the EOR withheld these monies to pay the employer-responsible payroll taxes.

With the form completed, call one of the three following numbers: (212) 775-3680, (212) 775-3723, or (212) 775-3880. This will begin your claim and the Labor Standards Department will begin action against the EOR to recover your wages.

Under most state laws, employers are responsible to pay Unemployment Insurance, State Disability, State Income and Employment Training taxes for their employees. California's EDD explains this on page 6 of their Employer's Guide. While Yurcor is most likely paying that on behalf of the artists they loan out to companies, doing so with artist wages is the illegal part.

As always, feel free to contact me with any questions, concerns or continued documentation. We will continue our progress towards putting an end to this illegal and egregious practice that is so prevalent in the visual effects industry.

— Steve Kaplan

Websites referred to in this column:

Justin Cone: work.justincone.com

Motionographer: motionographer.com

State of California, Employment Development Department:

www.edd.ca.gov

California EDD Employer's Guide: www.edd.ca.gov/pdf_pub_ctr/de44.pdf

New York Department of Labor: www.labor.ny.gov

NYDOL Labor Standards Dept.: labor.ny.gov/workerprotection/laborstandards/labor_standards.shtm

Form LS223: www.labor.ny.gov/formsdocs/wp/ls223.pdf

MY LEFT EYE

(continued from front page)

I went back to work, with a patch on my eye (working on a pirate show just made it look cool.) Went back to the specialist on Friday, October 14. He still couldn't "see" anything back there. I'm sure he was concerned, but took no action. He wanted to see me in a week. I went back to work, driving with a patch, and thought nothing of it.

My crew and friends at work were curious and concerned. I just explained it was a vitreous hemorrhage, would pull up the patch and demonstrate how I couldn't see their face. I just shrugged it off. But they persisted in their concern. And it made me wonder...

More than one co-worker wanted to know if it was from the Cintiq. Sitting nine hours a day, fourteen inches away from the illuminated drawing tablet started me wondering too. At the end of the day I got concerned enough to call for a new referral, just to get a second opinion. I got a referral to doctor in West Hills and set up an appointment as soon as I could.

The doctor was young, energetic and seemed to love what he did. He examined me, and did an ultrasound of my eye. Bob peered over his shoulder at the image. Both he and the doctor leaned back and were very quiet for a minute. "This is very serious," the doctor said. "When was the last time you ate?"

"I had lunch a couple of hours ago."

"You need surgery immediately. Unfortunately we will have to wait until first thing in the morning."

He scribbled a few more notes down and looked up. "We're going to try to save your eye." It was then I realized how much trouble I was in. "Save my eye?" I was in shock.

The surgery took a couple of hours. They sucked the vitreous humor out of my eye (mine was filled with blood). Then the doctor lasered the torn retina. It was huge and he was amazed that the retina had not detached completely. If it had, I would have gone blind. Then he did some cryosurgery and finally filled my eye with a special gas bubble— like filling a balloon with air.

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MY LEFT EYE

(continued from page 9)

Once the surgery was over the doctor came out to talk to my husband. The doctor was beaming. He felt he had been able to get to it just in time. But with a caveat: I had to stay immobile, face down for two weeks. TWO weeks. And I did exactly that. The second week he allowed me to stay in a modified face down position. As the gas bubble in my eye started to dissipate, my own natural fluid filled in my eye slowly. The first week I saw nothing, but by the second week I could make out shapes, light and colors! Finally the bubble disappeared altogether, and I could “see”. On November 9 the doctor gave me the good news: my retina had reattached completely. There was some permanent damage to the lower peripheral vision, but my central vision was restored!

I couldn't stop crying. I was so happy. Instead of going through the five stages of grief, I was going through the five phases of joy. Bob smiled patiently as I made all my confessions; promising to be a better person, clothe the naked, feed the hungry. Seems silly, but this was a transformational event for me, and it put my life in perspective big time.

In addition to acting like Saint Sharon of Chatsworth, I have been doing a small amount of research — enough to make me wonder if we are all guinea pigs in this digital world of LCDs, CRTs, LEDs, refresh time and electromagnetic radiation.

The fluorescent light inside the monitors gives me pause for concern for all of us. Correlation is not causation, but if the LCD screen is fluorescent-lit, it may affect our eyes. Here's what I found researching online, specifically from the following website:

<http://www.cloanto.com/users/mcb/19960719lcd.html>

With natural, real sunlight, the spectrum is distributed fairly equally between the visible regions. UV is something like only 12% of the total. The rest is visible. The problem with fluorescent light is in order to make it bright (sort of like “sunlight”) they must use a great deal of green and blue.

“Full spectrum” uses a huge amount of visible blue. What it does is peak at an incredibly high level.

Sunlight has approximately a level at 225 of visible blue and fluorescent has over 1000. The problem is, our eyes have developed to operate and see things visually at the range of 225 and fluorescent light over stimulates the eye to produce the same effect indoors.

The retina of the eye is best stimulated by “blue.” I have in my possession only a fraction of animal/insect research that proves visible blue damages the retina at a level that is not easily seen on routine eye examination. In the studies, if the exposure was short, then there would be repair by the eye. If the exposure is long-term, there is permanent damage.

So each of us needs to absorb as much information as we can about these “tools” we’re using, compare notes, side effects and, most importantly, get help immediately if you experience any black squiggles that suddenly appear in your field of vision. This is blood. You need to take action.

Lastly, I am not diabetic and do not have high blood pressure. These are additional concerns for the health of our eyes. With thirty years doing storyboards for animation, I am not naïve — expecting perfect visual acuity. We have always needed to be proactive with our health. Before computers, we had to use light tables that gave similar potential eye strain and complications.

3-D artists have render time, and usually they can take breaks, and much needed breaks at that. The rest of us may not realize how important taking breaks really is. My computer automatically “saves” every 20 minutes. This might be the ideal time to stand, move, stretch and rest your eyes. In addition, there are yellow tinted “Gunnar” glasses that can be purchased to ease eyestrain. This applies to editors and game designers as well as animators.

I don’t want anyone to ever go through what I experienced this past month. And I consider myself lucky. So now you know what I’m thankful for this holiday season. And Happy Holidays to each and every one of you!

— Sharon Forward

Sharon Forward is an animation storyboard artist who joined the Guild in 1979 and currently works for Disney.

In memoriam

Animator and model designer **ARLAND BARRON** died on September 22. From 1975 until 2003 he worked for Odyssey, Disney, Lion's Den, Filmation, Aurora, Hyperion and Warners.

V

CLAIRE MANTALIS died on October 2 at the age of ninety. From 1946 until 1985 she worked as an inker, painter and final checker for Screen Gems, MGM, Five Star, Jerry Fairbanks, Hanna-Barbera, Format, Filmfair, TV Spots, Celine Miles, Marion Jeffress, Kurtz and Friends, Animation Camera Service, Kinney-Vallas and Filmation. She also ran her own ink-and-paint service, Claire Mantalis Ink-And-Paint.

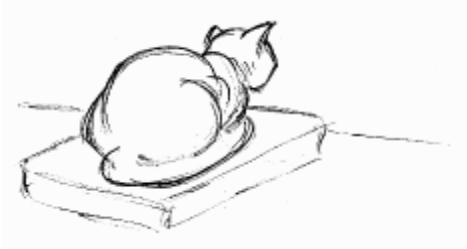
Be careful about invoice dates

Are you invoicing a union shop? Remember that your invoice should always reference the dates that the work was performed, as distinct from the date of the invoice itself.

Otherwise, your benefit hours might be credited as of the invoice date, which could affect your health insurance if the contributions go to the wrong reporting period.

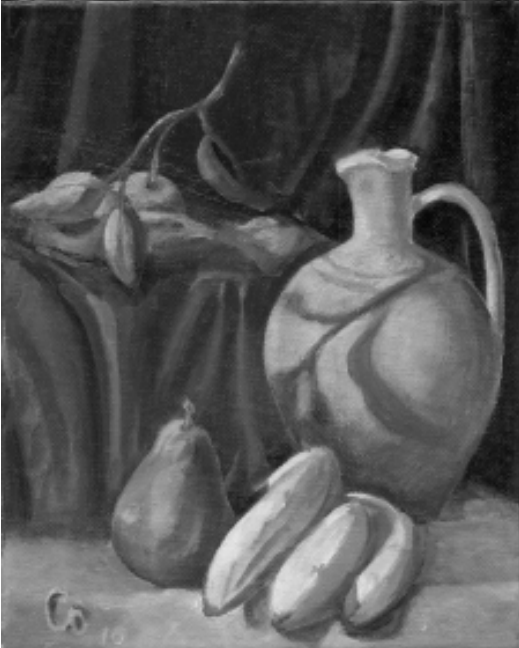
Confusion over invoice dates could also affect your unemployment insurance. If the dates on your checks do not correspond to the dates the work was performed, your claim could be denied, and you could further be fined and forced to pay back previous benefits.

If you have any questions, contact the Guild office.



Études pour Duet

The November show at Gallery 839 highlighted the work of AAI still-life instructor **NICOLE DUET** (left), and her students (below, clockwise from upper right): **DAVID TANNER**, **MARIA ROSETTI**, **DIDI MARTIN**, **PAT LASATER** and **CO AHREND**.





HAPPY THANKSGIVING!

Ivan Camille

GENERAL MEMBERSHIP MEETING



**TUESDAY,
NOVEMBER 29, 2011**

**PIZZA &
REFRESHMENTS,
6:30 PM**

MEETING, 7 PM

**1105 N. HOLLYWOOD
WAY, BURBANK**

Between Chandler and Magnolia
tinyurl.com/new-tag-hq

AGENDA:

EXCESSIVE WORK HOURS AND OVERTIME: An ongoing discussion

GETTING READY FOR AN ART FESTIVAL: ALEX KUBE discusses getting your art work ready for an art festival or gallery show such as a Gallery 839 exhibition. Preparation, dealing with gallery owners and staff, publicity, getting invitations to the “right” people, setting up refreshments etc., will be discussed in detail.

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11/2011