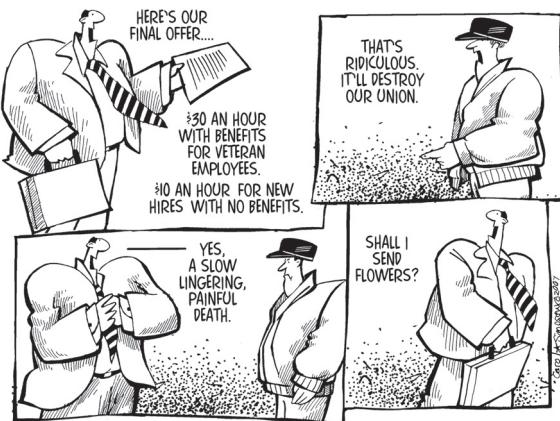


Pegboard

ANIMATION GUILD AND AFFILIATED ELECTRONIC AND GRAPHIC ARTS
Los Angeles, California, May 2015

Vol. 44, No. 05

ANIMATION GUILD COLLECTIVE AGREEMENT NEGOTIATIONS SCHEDULED FOR END OF JUNE



Negotiations between the Animation Guild and the Alliance of Motion Picture and Television Producers (AMPTP) have been scheduled for the end of June. Three days have been set to exchange and negotiate proposals at the office's of the AMPTP in Sherman Oaks over the collective agreement which ends on July 31.

The Guild's Negotiation Committee has met several times to build the proposals that will be negotiated. From those discussions, a survey of possible proposals has been shared with all active members who are eligible to vote for contract ratification. The survey will be used by the committee to rank the importance of the listed proposals being considered. If you have not yet taken the time to share your thoughts and ranks on those issues, please find the email we sent and go to the survey on the Guild's website. If you did not receive an email, please contact Steve Kaplan at the Guild office for a copy.

The proposals build on the tentative agreement the International reached with the AMPTP for the Hollywood Basic Agreement. The Guild agreement takes the Motion Picture Industry Pension and Health Plan and New Media Sideletter language directly from the Basic Agreement, and always attempts to achieve the same wage rate increases that were achieved in those negotiations. The Negotiation committee has added further proposals which were included in the survey.

(see **GUILD NEGOTIATIONS IN JUNE** on page 3)

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GUILD NEGOTIATIONS IN JUNE

(continued from page 1)

Once the Guild Negotiation Committee reaches an agreement with the AMPTP, the provisions of the agreement will be made available to all active members for review and the ratification vote. All updates will be made available at the General Membership meetings this month, as well as in July.

In memoriam

Ink and Paint Artist **JOYCE ALEXANDER** died on March 21. She worked at Format Productions, Rover Dangerfield, Cool Productions, Bakshi Productions, Hanna Barbera Productions, De Patie Freleng Enterprises and Walt Disney Feature Animation.



Ink and Paint Artist **ZORA POLENSEK** died on April 4, 2015. She was 86 years old. She worked at Celine Miles, Warner Bros. Pictures, Hanna Barbera, and Filmation.



NANCY WIBLE died on March 26, 2015. She was 88 years old. She worked in Cel Service at Filmation, DePatie-Freleng Enterprises and Marvel Productions.



Animator **AL PABIAN** died on April 9, 2015. He was 97 years old. He transferred his membership from the Screen Cartoonist Guild in 1952 – the year Local 839 was chartered. He worked at Warner Bros. Cartoons, Creston Studios, Chuck Jones Enterprises, Sutherland, Hannah-Barbera Productions, and Lower 12, Inc.



Negotiations, Past and Future

Come summertime, the Animation Guild will sit down with the major animation studios and negotiate a new three-year contract. The guild's negotiation committee will meet in early June to go over proposals, but it's important to know what the IA (our mother international) negotiated for other West Coast production locals last month. ...

In a nutshell:

- Wage minimums will increase 3% in each year of the Agreement. The increases shall compound.

- MPI Pension Plan:

For those who retired prior to August 1, 2009, they shall receive a 13th and 14th check on or about November 1 in each year of the Agreement, provided there are 8 months of reserves in both the Active and Retiree Health Plan and the Pension Plan is certified to be in the Green Zone.

In each year of the Agreement, the hourly contribution into the Pension Plan shall increase by an additional \$.18 per hour.

The Defined Benefit Pension Plan benefit accrual formula will increase by 10% for Active Participants effective 1/1/17, retroactive to 8/1/2015.

- MPI Health Plan:

Prescription drug co-payments will not increase

There will be no increased costs to the primary participants nor to their dependents for health care coverage.

There will be no cuts to health care benefits.

Current members with at least one qualifying year into the MPI shall continue to be eligible for retiree health coverage after 15 qualifying years in the MPI. For new members who do not have a qualifying year into the MPI PHP as of 1/1/16, such new employees will need 20 qualifying years in the MPI to qualify for retiree health coverage.

<http://www.iatse728.org/2015%20Contract%20Info.php>

The New Media Sideletter under the Basic Agreement saw major improvements, and TAG will be looking to make ours more “member friendly” as well.

The thing of it is, contract negotiations are often elongated rituals. They’re also like watching weird Kabuki theater while sitting on low-voltage electric spikes. The union has its proposals, the producers have their proposals. Management let’s you know, via various signals, that any push to better terms and conditions in the contract are counter-productive and never going to fly.

Steve Kaplan and I were present at the IA Basic negotiations. There was a lot of performance art and haggling over smaller contract points during the first four days, then a 20-plus hour bargaining session on the final day. The finish line was reached with a satisfactory conclusion, but getting there was a wee bit like the Bataan death march.

I have been informed that we won’t have to go until the wee small hours this time around. I guess we’ll see.

Remaining Contract Holidays in 2015

Memorial Day (May 25)

Independence Day (July 3)

- Observed on the 3rd

Labor Day (September 7)

Thanksgiving and the day after (November 26 and 27)

Christmas (December 25)

Your studio may schedule other days off. Contact your supervisor or human resources department for details.

**BOOKMARK THE
TAG BLOG**

<http://animationguildblog.blogspot.com>



WHAT DO YOU WANT?

If you haven't already responded to the survey asking what your priorities are in upcoming contract negotiations. I urge you to do it soon. You'll find a long list of potential negotiating points and we ask that you take a little time and rank them. If you have something you think we missed, there is also an open ended question that allows you to tell us about it.

Several people so far have mentioned that we left out asking for a wage increase as a voting option. Yes, we did. We pretty much assumed everyone was in favor of asking for more money. What we are looking for are other issues that are priorities to our members.

I was looking over the list myself and like many of you, most of my obvious potential choices were the ones that affected me directly. But as I examined the list a little more in depth I found a common thread in all the possible negotiating points:

RESPECT.

Artists don't want to take inordinately long tests. RESPECT.

Animation writers want to be paid at the same rate as their live action counterparts. RESPECT.

Storyboard artists who are being asked to do their own animatics want to be paid for the extra work. RESPECT.

Artists working on shows for Netflix and Amazon want to be paid the same rates that broadcast and cable shows pay for the same exact work. RESPECT.

Of course, "respect" in contract negotiations is mostly measured in dollars and cents but the truth is before we can hope for the studios to respect us, we need to show some respect for ourselves. So please fill out the survey and get involved in the upcoming negotiations.

- *Jack Thomas*



THE NEEDS OF THE MANY

While the Guild is seeing record-high numbers of members working in both feature and television animation, organizing opportunities are also at an all-time high. Animation, as we've said before, is one of the most lucrative sectors of the industry.

While animation work in Los Angeles has been largely covered under our agreement, there are still studios and related crafts working without the benefits afforded by a collectively bargained agreement. One only needs to compare how those artists and technicians are being treated to see why our work and contract are so important.

Over the past year, we have been approached by some interested in bettering themselves and their peers. We've held meetings both large and small attempting to explain the steps of unionization, and the reasons to stand up against a non-union employer to demand the comforts of a workplace that follows labor law and pays a living wage. And even through our successes, we still work with groups who hesitate out of fear.

Which is completely understandable. It's never easy or enjoyable to make these demands and a majority of these groups are comprised of people who've never enjoyed working at a union studio before, and therefore can't fathom how much working under the conditions of the contract would positively affect their lives.

It's important to note that each of the successful campaigns that we've worked with over the past few years have been driven by a small and focused group of individuals from within those teams. These members were the vanguards of their efforts and were wholly responsible for the cohesion and collective action their groups undertook. These few individuals were able to motivate teams of tens to teams of over a hundred.

We will gladly work with these few who are dedicated to the needs of their larger group to bring the comfort of the seamless cloak of employer funded benefits, as well as the collectively bargained workplace standards and conditions to their job sites. Should you find yourself at one of these non-union studios, we look forward to working with you.

- Steve Kaplan

KNOW YOUR CONTRACT: SIDELETTER N – PRODUCTIONS MADE FOR NEW MEDIA

One of the newest additions to the Animation Guild agreement is located on pages 97 to 105 of the Guild's Master Collective Agreement (<http://839iat.se/CBA-2012-2015>) called Sideletter N. This sideletter addresses the working conditions for productions made for distribution via the internet. The language of this sideletter is based on the same stipulations that were bargained for the Hollywood Basic Agreement and slightly modified to fit our industry.

The language for this sideletter was bargained into entertainment union agreements after the Writers Guild of America (WGA) held an industry-wide strike to force the producers to recognize that work performed for distribution through the internet was "covered work", meaning should be covered under existing union agreements. Until that time, the producers refused to acknowledge that fact, and performed the work without consideration for the agreements with the entertainment unions.

When forced to bargain over this work, the producers demanded relief from the accepted workplace agreements arguing that internet distribution was unproven and a financial risk therefore deserving of lessor conditions. The unions only agreed after insisting on a "sunset clause" which forces the expiration of the entire sideletter at the end of the contract term. This ensured that matter would be open for negotiation again once the contracts were renegotiated and that different terms could be reached.

The sideletter defines three different types of "New Media" work that will be performed, and the conditions under which those types of work will be covered. Experimental, Derivative and Original New Media Production. Experimental work is any original work intended for online distribution only that meets the following conditions:

- Costs do not exceed \$15k per minute of program material as exhibited, \$300k per single production as exhibited and \$500k per series of programs produced for a single order.
- Employ four or more people in job classifications covered under the Local 839 agreement.

Derivative work is based on content that was originally intended for distribution through traditional media. Original New Media work is defined as original productions intended for distribution through the internet.

For New Media productions budgeted at \$25k or less per minute, producers are only obligated to make Motion Picture Industry (MPI) Health Plan contributions. For Original New Media Productions budgeted over \$25k per minute, and on Derivative New Media Productions producers are obligated to also make MPI Pension Plan contributions. Original and Derivative New Media Productions also carry the Union Security and Grievance and Arbitration clauses of the master collective agreement. All other terms and conditions are freely negotiable between the employee and the producer. There are no wage minimums in the New Media Sideletter, and wages are freely negotiable between the employee and the producer.

Producers may elect to cover Experimental New Media productions under the same conditions. Should the producer choose to cover an experimental production, the terms and conditions of an Original New Media production apply.

ARE YOU ON THE EMAIL LIST?

The Animation Guild Email List is reserved for members only and the quickest way to get the latest news and offerings we distribute. Members can now customize which emails are received in order to reduce or expand the amount of messages you get. Don't miss the latest job postings, Gallery 839 announcements or union news! Sign up at:

<https://animationguild.org/about-the-guild/email-list/>

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and the TAG Blog ...

<http://animationguildblog.blogspot.com/>



This Month in History

by Tom Sito

May 1st, 1989 - Walt Disney Feature Animation in Orlando Florida opens.

May 1st, 1993 - The Florida Animation Union, IATSE Local 843, is chartered.

May 1, 1999 - *Spongebob Squarepants* debuts on Nickelodeon.

May 2, 1964 - Disney's audio-animatronic Abe Lincoln exhibit opens at the NY World's Fair. The animatronic technology forms the basis of modern motion capture technique.

May 3, 1969 - Groundbreaking begins in Valencia for the California Institute of the Arts.

May 5th, 1945 - Happy Birthday Yosemite Sam! *Hare Trigger*, the first cartoon to feature the red mustachioed desperado, premiers.

May 6, 1937 - **THE FLEISCHER STRIKE** - Cartoonists vote to strike Max Fleischer's Studio after Max fires 13 animators for union activity and complaining about the 6 day work week. The strike settles several weeks later when parent company Paramount forces Max to recognize their union.

May 8, 1943 - Tex Avery's cartoon *Red Hot Riding Hood* premiers.

May 9, 1937 - Burne Hogarth starts drawing the Tarzan comic strip.

May 9, 1955 - A Washington D.C. station puts on a young Univ. of Maryland grad named Jim Henson as filler before the TODAY Show. His antics with his green frog, Kermit, fashioned from fabric from one of his mothers old green coats are the birth of The Muppets.

May 10, 1929 - *Skeleton Dance*, the first Disney Silly Symphony, premiers. Its tight sync animation by Ub Iwerks inspires a generation of animators.

May 17, 1941 – **THE LOONY TOON LOCKOUT**. Producer Leon Schlesinger tries to forestall the unionization of his Bugs Bunny cartoonists by locking them out. After a week he relents and recognizes the cartoonist guild. Chuck Jones called it “our own little six-day war.”

May 18, 2001 – Dreamworks' *Shrek* opens.

May 18, 2003 - Pixar's *Finding Nemo* opens.

May 20, 1937 - Bob Clampett is promoted to director at Leon Schlesinger's Looney Tunes Studio. After leaving Looney Tunes, Clampett created the Beany & Cecil Show for television.

May 20, 1975 - In a small warehouse in Van Nuys, California, George Lucas assembles an effects crew to create the film Star Wars. It is the birth of Industrial Light & Magic, or ILM.

May 25, 1977 - *Star Wars* opens in theaters

May 29, 1941 -**THE WALT DISNEY CARTOONISTS STRIKE.** Animators go on strike after Walt refuses to recognize their union and fires Art Babbitt and several others for union activity. Picketers included Hank Ketcham (Dennis the Menace), Walt Kelly and Margaret Selby Kelly (Pogo), Bill Melendez (A Charlie Brown Christmas), Steve Bosustow and John Hubley (Mr. Magoo), Maurice Noble and Chuck Jones (What's Opera Doc?), George Baker (Sad Sack), Dick Swift ("the Parent Trap") Frank Tashlin (Cinderfella) and four hundred others.

Animators from Warner Bros. MGM and Walter Lantz marched with their Disney brothers and sisters because they knew this was where the fate of their entire industry would be settled. Celebrities like Dorothy Parker, Frank Morgan and John Garfield gave speeches. The studio claimed no one of importance was on strike.

The strike eventually settles through federal arbitration and a little arm-twisting by the Bank of America. Walt recognizes our union and most base salaries are doubled. Many of the artists who leave the studio afterwards set up U.P.A. and pioneer the 1950's animation style.

May 31, 2000 - The first Survivor show premieres in the US, shepherding in a new era of TV reality shows.

Birthdays: Maurice Noble, Fyodor Khitruk, Wes Anderson, Eric Goldberg, Alice Liddel (the inspiration of Alice in Wonderland), Floyd Gottfredson, Andriana Caselotti (the voice of Snow White), Orson Welles, Bob Clampett, Tom Sito, Margaret Kerry, Joe Grant, Homer Simpson, George Carlin, Bernie Mattinson, Steven Colbert, Robert Zemeckis, Howard Ashman, George Lucas, Leon Schlesinger, John Hubley, Paul Winchell, John C. Reilly, Matt Stone, Danny Elfman, Milt Neil, Mel Blanc.

“Freelance”: it isn’t a magic word

free * lance {‘frE-”lan(t)s}, noun. 1: a. a mercenary soldier, especially of the Middle Ages. b. a person who acts independently without being affiliated with or authorized by an organization. 2: a person who pursues a profession without a long-term commitment to any one employer.

—Webster’s Dictionary

Animation freelancing in the twenty-first century is a lot less romantic than the fantasy of board artists and sheet timers riding around in full battle armor on their war-horses, hiring themselves out to the lord of DreamWorks Castle or the seigneur of Hold Nickelodeon.

Nor should anyone be fooled into thinking of the freelancer as some abstract ideal, the noble artisan who “acts independently” of the monolith of Big Animation. In this “buyer’s market” for talent, it’s less an issue of the artist having no “long-term commitment” to the employer, than it is the employer having no commitment whatsoever to the artist.

There’s really nothing wrong with freelance work per se, and there’s no reason why an energetic, well-connected artist can’t make a living at it. But as with anything else in this business, you need to know the rules, and you need to be careful. We’d like to puncture some of the myths that surround freelancing.

Let’s get our definitions straight: we refer to “freelancers” as those employees who work at home or away from the studio premises, typically (but not exclusively) at piece rates. Although the terms are often used interchangeably by management, freelancers are not the same as independent contractors. Freelancers are employees, independent contractors are not.

MYTH #1: Freelancers have none of the protections of full-time employees, and they are not covered under the Guild contract.

Untrue: a freelancer is as much an employee as somebody who sits at a desk at the studio for forty hours a week. There is a simple test: is your employer taking taxes out of your paycheck? If the answer is yes, you’re an employee.

MYTH #2: Freelancers don’t get health or pension contributions for their work.

Again, not true. As long as you’re an employee of a Guild shop working under the Guild’s jurisdiction, the employer must make health and pension contributions, regardless of whether you work on the premises or at home.

For scripts and storyboards, pages 76 and 77 of the Guild contract booklet list the minimum per-piece contributions. For piece work in other categories, pay should be prorated so that the hourly rate and benefit contributions do not fall below the CBA minimums. Before you do any freelance work you should have a clear understanding of the basis on which you are to be paid, and the basis on which your benefit contributions are going to be calculated.

MYTH #3: The studio can get around the Guild contract by calling you an “independent contractor”.

Independent contractors are not covered under the Guild contract since they are not employees of the company they are performing work for. If you’re an independent contractor, you received no benefits and no contract protections.

As an independent contractor, you will be responsible not only for health insurance, but also for taxes, Social Security, etc. In addition to sales and income taxes, you may owe business taxes and fees to the city in which you reside.

In order for you to be a *bona fide* independent contractor, you must be truly independent. State and Federal tax regulations define what kinds of work can legally be considered as independent contracting. Rule of thumb: the work must be of a nature that is independent of the direction and control of the company for which the work is being performed.

So, for example, it would be very difficult for an employer to claim that work such as animation, assistant animation, sheet timing, checking, or any form of clean-up, could be done by independent subcontractors, since the nature of the work is defined by the control and supervision exercised by the employer.

On the other hand, most writing and storyboard work could be subcontracted ... but not rewrites, revisions, story editing, cleanups, etc. Pre-production models and visdev could probably be independently subcontracted, but if the company starts to require any kind of revisions, then by definition the work is no longer “independent”.

Bottom line: to survive in the dangerous world of freelancing, you need to have your lance sharpened and your faithful steed well-shod ... and you need to contact your Guild whenever the lord of the manor is shortchanging you.

— Jeff Massie

Gallery 839 June 2015 Show



**Animation Portraits by
Andrew Overtoom**

Gallery 839

The Animation Guild
1105 N. Hollywood Way
Burbank, CA 91505
(818) 845-7000

**Opening Reception:
Friday, June 5, 2015
6:00 - 9:00 pm**

<http://animationguild.org/gallery839/>

GENERAL MEMBERSHIP MEETING



**TUESDAY,
MAY 26, 2015**

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

MEETING, 7 PM

**1105 N. HOLLYWOOD
WAY, BURBANK**

Between Chandler and Magnolia
<http://839iat.se/tag-office>

AGENDA:

- ❖ **GUILD CONSTITUTION
AMMENDMENTS**
- ❖ **2015 CONTRACT NEGOTIATIONS**

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