



ANIMATION
GUILD AND
AFFILIATED
OPTICAL
ELECTRONIC AND
GRAPHIC ARTS,
LOCAL 839
I.A.T.S.E.

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Now, it's time to vote!

- **Loofbourrow** elected new president
- **Hulett** re-elected without opposition
- **Mail ballots counted November 9**

On September 24, the members spoke. A close-to-standing-room crowd at the membership meeting offered nominations for the election slate of Animation Guild officers.

NATHAN LOOFBOURROW, a tech director at DreamWorks and the Guild's current Vice-President, was elected without opposition as the Guild's President. He replaces **BOB FOSTER**, who stepped down as President but is running for the Executive Board. He is the first tech director to serve as the Guild's President.

STEVE HULETT, who has served as Business Representative since 1989, was re-elected without opposition. DreamWorks writer **JACK THOMAS**, currently an Executive Board member, was elected without opposition to replace Loofbourrow as Vice-President.

Recording Secretary **JEFF MASSIE** and Sergeant-At-Arms **JAN BROWNING** are retiring and declined to run for re-election. E-Board member and Film Roman director **KAREN CARNEGIE JOHNSON** was elected without opposition as Sergeant-At-Arms. No nominations were received for Recording Secretary; the position will be filled by the Executive Board.

For the Executive Board, fifteen candidates are running for eleven positions. Incumbents **BRONWEN BARRY, JOHN CATALDI, NICOLE DUBUC, BOB FOSTER, JANETTE HULETT, CATHY**

(see OFFICER ELECTIONS, page 3)

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Optical Electronic and Graphic Arts Local 839 IATSE,
1105 N. Hollywood Way, Burbank, CA 91505-2528
phone (818) 845-7500 ♦ fax (818) 843-0300
info@animationguild.org ♦ www.animationguild.org

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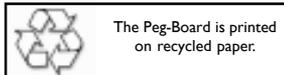
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SHOP STEWARDS

Russ Calabrese (*Disney TV*) ♦ Sherm Cohen (*Paramount*) ♦ Justin Copeland (*Marvel*)
Dan Duncan (*Marvel*) ♦ Daniel Elson (*Cartoon Network*) ♦ Cassandra Heller (*Cartoon Network*)
Laura Hohman (*Nick CG*) ♦ Chris Houghton (*Disney TV*) ♦ Ray Leong (*Nickelodeon*)
Jason MacLeod (*Disney Feature*) ♦ Larry Smith (*Film Roman*)

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IATSE LOCAL 839

OFFICER ELECTIONS

(continued from front page)

JONES, GORDON KENT and **EUGENE SON** were nominated to run for reelection, along with newcomers **RUSSELL CALABRESE, DAVID CHLYSTEK, BILL FLORES, DAVID GEMMILL, LARRY SMITH, ROBERT ST. PIERRE** and **DAVE THOMAS**. Declining nomination for re-election were **MIKE ROTH** and **CHRIS SIMMONS**.

All about the voting

The voting for Executive Board positions will be by mail ballot and will be supervised by the American Arbitration Association.

On September 30, ballots were sent to all active and applying members. (If you are an active or applying member and you did not receive a ballot, contact Robi Rivera at (213) 362-1900 or riveraro@adr.org.)

When you open the ballot mailing you'll find a ballot, a white envelope and a yellow envelope. Take the ballot and mark it with an **X** in the box next to your election choices for the Executive Board. Do not vote for more than eleven candidates. You do not have to mark any of the officer positions which are uncontested. Do not make any other marks of any kind on the ballot.

Put the ballot into the white envelope, seal it, put the white envelope into the yellow envelope and seal the yellow envelope. You'll notice your name and address on a label on the back of the yellow envelope. Do not remove this label or cross out your identifying information, or your ballot will be ruled ineligible. This is in line with Dept. of Labor procedures for union officer elections.

Although ballots have been mailed to all active and applying members, only those who have paid their fourth quarter dues by November 8 will have their ballots counted. On November 9, the AAA will take the yellow envelopes, eliminate any duplicates and those who have not paid their fourth quarter 2013 dues, and then open the remaining white envelopes before they start the count.

Put the prepaid yellow envelope in the mail, and you'll have done your duty to your Guild.



From the Business Representative *Leverage, again*

A few weeks ago, a short IATSE strike got settled:

... Stagehands' big salaries made headlines this week after members of their union, Local One of the International Alliance of Theatrical Stage Employees (IATSE) staged a strike, with a huge blow-up rubber rat in front of the hall and picketers who derailed the venue's season-opening concert by The Philadelphia Orchestra with superstar violinist Joshua Bell and singer and bass player Esperanza Spalding.

Today the union and management reached a deal that put an end to the three-day strike. But not before a lot of negative press for the union. ...

— *Forbes*

There are those who would argue that Local One's top salaries are way too big, and "unfair."

But I would (once again) say to you, "There is no **fair**, there is no **unfair**, there is only what you have the ability and **leverage** to get."

Show me a labor union or individual who gets what people would describe as a "good deal," and I'll show you labor negotiators (or a person) who have skill at the negotiating table and the juice to achieve the deal. Simple as that.

Here's an individual example of leverage: There was once a famous actor who had the power to negotiate a piece of the gross, also something very important to him: The absolute right to knock off work at a civilized hour. This was sometimes a problem for producers:

... "Look," [**Clark Gable**] tells me. "I'm a five o'clock guy."

“What does that mean, Mr. Gable?” I ask.

“It means, kid, that my day ends at five. Regardless. Five is scotch-and-soda time. And then I’m on my way home.”

Every day at five, Gable sticks to his guns. Five o’clock comes and he’s in the trailer. He enters as a Navy commander and exits as a Brooks Brothers model. Driving off the lot in his Bentley convertible, he waves goodbye as he passes through the security gates.

Because he’s a producer of the picture, [Burt] Lancaster is far more intense and worries about overages.

... Most of the action isn’t done on location but in the studio. One scene involves a series of explosions followed by a deluge of water. The mechanics are tricky and the technical guys work on it all day. They can’t quite get it right. Finally, at about five to five, it all comes together — the bombastic explosions and a deluge of water.

Gable and I are in the battle scene, the climax of the film. [Director] Robert Wise signals action and all hell breaks loose. The special effects are spectacular.

In the midst of this drama, Gable says, “Sorry, boys, Mr. Five O’clock is done for the day.”

And then, with the grace of a European prince, Gable struts to his trailer. Lancaster chases after him.

“Clark,” says Burt, “we finally got this thing to work. It’ll cost a fortune if we dismantle it. We gotta film it now.”

Ever the gentleman, Gable looks at Lancaster sympathetically. “Relax, Burt,” he says. “I’ll dive with the submarine tomorrow.” ...

— *Don Rickles*

(see *FROM THE BUSINESS REP*, page 5)

FROM THE BUSINESS REP

(continued from page 5)

Gable had leverage, and he made sure that he employed it. (If you've got something in your contract, what good is it if you **don't** use it?)

And here's another example of leverage, only **collective** this time:

Los Angeles's highest-paid city employees get three-day weekends, 27 vacation days annually and an ocean view from their workplace.

They are the port pilots, whose job is to guide ships in and out of the Port of Los Angeles, the number one container handler in the U.S. The 15 men earned an average of \$323,000 last year, more than the mayor and the chief of police in America's second-most-populous city. Harbor users, not taxpayers, pay their salaries.

Pilots from 23 organizations across the U.S. make an average of \$406,700 annually, according to data collected by Dibner Maritime Associates LLC of Chestnut Hill, Massachusetts. Henry Mahlmann, president of New York's Sandy Hook Pilots association, declined to say how much his 72 pilots earned last year. He said Los Angeles's \$323,000 average pay was "in the neighborhood." ...

The harbor pilots of L.A., the stagehands or New York, and Clark Gable all had a couple of things in common: private entities pay (paid) their salaries; Private entities also agreed to their working conditions.

— *Bloomberg.com*

None of the examples above had much to do with "fair" or "unfair" or other labels that are mostly spin. They mainly are examples of leverage.

You get what you have the ability to get. Collectively or individually.

— *Steve Hulett*

Introducing our shop stewards

The Animation Guild has had a number of new shop stewards come aboard at studios around town. The current roster of TAG stewards includes:

- Russ Calabrese (*Disney TV*)
- Sherm Cohen (*Paramount*)
- Justin Copeland (*Marvel*)
- Dan Duncan (*Marvel*)
- Daniel Elson (*Cartoon Network*)
- Cassandra Heller (*Cartoon Network*)
- Laura Hohman (*Nick CG*)
- Chris Houghton (*Disney TV*)
- Ray Leong (*Nickelodeon*)
- Jason MacLeod (*Disney Feature*)
- Larry Smith (*Film Roman*)

What do shop stewards do, exactly? They'll answer questions members might have; refer workplace issues to the Business Rep; distribute pension and health plan information; hand out 401(k) enrollment forms and 401(k) information booklets. Beyond the names listed above, TAG executive board members also perform steward-type duties.

Shop stewards have their dues paid for as long as they serve. We're looking for more shop stewards, especially at studios not listed above. If you're interested, contact Steve Hulett at the Guild, shulett@animationguild.org or (818) 845-7500.



SAVE THE DATE!

IATSE and MPTF

DAY AT THE RACES

A FAMILY EVENT

On **Saturday, January 25, 2014**, IATSE locals from Southern California and the MPTF (Motion Picture & Television Fund) will join together to celebrate the **3rd Annual Day at the Races – A Family Event**. This fun filled event will take place at Santa Anita Park in Arcadia and your ticket price includes valet parking, admission, race program and lunch buffet. All the proceeds from the event will benefit MPTF, a charitable organization that has been synonymous with Hollywood for nearly a century.

For more information and to purchase your tickets contact Ellen Hawkins at 818-876-1909 or Ellen.Hawkins@mptf.com.



The Nov 1 Show at Gallery 839

**featuring works by JOHN KIMBALL,
WILLIAM WRAY, GEORGE SCRIBNER and
RONALD K. FOREMAN**

opens November 1 * reception 6 to 9 pm

**Gallery 839, 1105 N. Hollywood Way,
Burbank**



“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.

(see *FREELANCE*, page 10)

FREELANCE

(continued from page 9)

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, no benefits, 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

Upcoming contract holidays:

Thanksgiving and the day after
(November 28 and 29)

Christmas (December 25)

New Year’s Day (January 1, 2014)

NOTE: Employers may schedule additional days off during the holiday period, above and beyond the minimums required in the union contract. Consult your HR department about your employer’s plans.



From the Recording Secretary

I was mad as hell

In July of 1980, about six months after I started working for the Motion Picture Screen Cartoonists Local 839 IATSE, I attended my first IATSE convention, in Fort Lauderdale, Florida.

Within forty-eight hours of my arrival, I was mad as hell. I was so mad at what the IATSE was doing, I had booked tickets for my return, packed my bag, and notified the hotel of my departure. It was only after a very long talk with Moe Gollub and Bud Hester that I agreed, reluctantly, to stay.

In September of 2013, I found myself at a membership meeting of what was now known as the Animation Guild. I heard the anger of members at what they have to go through on an ongoing basis. Oppressive deadlines. Unfair and arbitrary hiring tests. Pay raises that don't keep pace with the cost of living. Untalented businesspersons

I thought back to when my anger at the doings of the Mother Alliance made me mad enough to threaten to leave the convention, and I realized two things:

1. I can no longer remember what I was mad about in 1980.
2. **It doesn't matter.**

Over the last thirty-three years I have talked to a lot of union officers and activists, and without exception, their participation started with an inciting incident or incidents, actions inflicted upon labor by management that made them mad.

That's what we have in common — something that triggered our sense of fairness and justice, and our anger at those who would deny us our hard-won rights as workers. Something that made us mad, and wanted to join others who were also mad.

Not everyone who is mad gets mad in the same way. I like to think

of myself as a calm, friendly person. Others may show their anger differently. But we belong to the same organization ... we call it the American labor movement.

By the time I came to the above realizations I had already decided it was time for me to retire. Effective November 1 I am stepping down as Recording Secretary, Assistant to the Business Representative, and as editor of *The Peg-Board*.

But after over half a lifetime, even though my memory of what I was mad at thirty-three years ago has faded, I am still mad as hell. So I intend to keep showing up at membership meetings — retired members have voice but no vote — and sit in the back row with the angry people.

Those who show up at meetings can look for us there. And for those who don't show up at meetings ... after thirty-three years of begging and pleading, I can say: it's your loss.

See you around.

— Jeff Massie

Mark your calendars ...

... for the next edition of the ANIMATION GUILD'S ANNUAL PARTY, to be held at the Autry Center in Griffith Park on Friday, January 3, 2014.

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In memoriam

Animator and director **TOM McLAUGHLIN** died on September 19. Since 1981 he worked for Broadcast Arts, Peter Wallach, Colossal, Mark Zander, Marvel, Warner Bros., Film Roman, Universal, Graz, New World, Cartoon Network and Cosmic Toast.



Animator **DARDOVELEZ**, who worked at Cambria and Filmation from 1966 to 1989, died on August 7 in Rosario, Argentina at the age of eighty-two.



Unpaid wages? The law is on your side

In 2006, the California Supreme Court ruled that employers must promptly pay employees for work done on a limited duration project, such as a film or television production.

Section 201 of the state Labor Code requires that an employer immediately pay workers if they are discharged. Until the case of *Smith v. L'Oreal USA, Inc.*, it was not clear that these rules — and the penalties for failure to pay in a timely fashion — applied to employees laid off from a project of limited duration and not just individuals who were fired.

The Court concluded that the intent of the statutes was to protect workers from the economic hardship that unpaid wages caused. The decision stated that the law applies whether an employee is fired or released after completing a specific job of limited duration. The ruling reversed a previous decision by an appeals court in favor of the employer.

These rules apply to all employers in California, union or non-union. If you are having trouble collecting unpaid wages, contact the Guild office.

BOOKMARK
THE TAG BLOG

animationguildblog.blogspot.com

HAPPY HALLOWEEN



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**The Animation Guild Local 839 IATSE
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