

ANNUAL DISCUSSION WITH AEA REPRESENTATIVES

May 30, 2002

RICH: ...if you need to leave early, just find your way out. We understand people have curtains and rehearsals and family obligations.

Without further ado, I'd like to introduce once again John Atherlay, most recent past Chair, who has generously agreed to moderate today's panel. John, thank you so much.

JOHN: I'd like them each to introduce themselves. This is our Equity staff, and they can explain to you what they do at 165 W. 46th Street. Mr. Quinn.

PATRICK QUINN: I'm not on the staff. (LAUGHTER) Because you see, they get paid and I don't. You can have my office if I can have your paycheck. (LAUGHTER) I'm the President of Actors Equity and I'm Patrick Quinn. (APPLAUSE)

JOHN: It's not fair that he goes first because no one's going to get as much applause. (LAUGHTER)

PATRICK: That's only right. (LAUGHTER) I'm the only one that got a salad too.

KEN GREENWOOD: I'm Ken Greenwood, I'm the Senior Business Rep at Actors Equity and I supervise Broadway and production tours, workshops, safe and sanitary issues, and taping and filming matters. (APPLAUSE)

KEITH SKLAR: My name is Keith Sklar. I'm one of the Field Reps. Basically handle agents and safe and sanitary, first rehearsals - most of you see me there - and I also cover LOA's [Letters of Agreement], off-Broadway, minis, LORT, business theater, cabaret, special agreements to off-Broadway and a whole bunch of others I can't think of at the moment. (APPLAUSE)

CAROL WAASER: My name is Carol Waaser. I'm the Eastern Regional Director of Equity and I come there by way of having been an Equity stage manager for a number of years and a lighting designer and sound designer and all those other things we do to earn a living out there. And I'm thrilled with the turnout today. Thank you for inviting us. (APPLAUSE)

SHEILA MATTHEWS: I'm Sheila Matthews. I'm the workshop and off-Broadway Business Rep for Equity. I also handle staged readings ... (APPLAUSE)

FLORA STAMATIADIS: I'm Flora Stamatiades. I am recently succeeded because I could not take over being a liaison for stage managers for the Eastern Region from Robert Bruyr. I also handle touring, both production contract tours and... Yes, there is a target on my back, I handle special tours we've been negotiating that I started working with in 1998. I also handle our exchange program for British Equity and Australian Equity - that's not the real name - and appearances of non-resident aliens here in this country and appearances of our members abroad. (APPLAUSE)

JOHN: And I just want to say before we open the floor to questions - because this is really about questions you have for them - that there's been a lot of stuff going on at Equity this year. One of the things that haven't gotten

as much attention is the new off-Broadway contract. Linda Carol Young was on our team and Carol Waaser negotiated an awesome contract. When it gets printed out, I think you're going to be amazed at the gains the stage managers made this year.

RICH: Could I interrupt? One of the wonderful things that Equity has done in the recent past: all of the rulebooks are available on the website... (APPLAUSE) What a wonderful thing! And the Production Contract is spiral bound in print. (LAUGHTER)

JOHN: And Sheila was also a key figure on that negotiating team. So with that in mind, I shall open the floor to questions.

MEMBER: Can you highlight some of the new exciting additions - things specifically related to stage managers that were negotiated?

CAROL: Okay, I will start by saying that we don't have final ratification on the contract yet and that means that anything I'm telling you could conceivably be subject to change, but it's likely not to change and we hope to have it ratified within a couple weeks and get it out there.

The first thing that we accomplished is that assistant stage managers in musicals may not understudy. (APPLAUSE) And assistant stage managers in non-musicals may only understudy up to 2 roles. It used to be 3 roles. And they get paid the same understudy increment that the actor gets.

SHEILA: Instead of getting just one increment, they get one per role.

CAROL: We achieved certain payments. As you know, there are more and more not-for-profit Broadway and off-Broadway theaters which are participating in what are otherwise LORT transfers or cross-contractual transfers and there was nothing in the off-Broadway book to enable us to get any kind of benefit, any kind of continuous contract benefit or any benefit for the stage manager who had to go someplace else and learn the show before it came in or teach another stage manager before it went out. And we didn't achieve everything we wanted, but we've gotten some provisions that really help us in this area including - there's a clause in the off-Broadway book, I don't know if you brought it, I didn't bring a copy, I apologize, I didn't bring a copy. There's currently a clause that says if you do other work for the producer for a different production which that producer has a financial participation in, you have to get paid no less than \$50 a day. We've rewritten that clause so that it applies to any production that the producer requests you to do work for, whether he has financial participation or not. So if a producer says to you, "The stage manager for the LORT theater is coming in to learn the show; you've got to train that stage manager," you get no less than \$50 a day for every day you spend training that stage manager. And if you have to go out of town, you're guaranteed now to get free housing plus per diem plus no less than 1/6th of minimum for each day.

Let's see, what else did we achieve? You get an additional 1/6th of minimum or contractual... I don't remember, I think it's contractual... during the tech week. It's just an increment to acknowledge that the stage managers do much more work than you're ever going to put in overtime for. And that 1/6th is in addition to any overtime that you would get for calls that go above the normal hours. It acknowledges that most of you simply don't put in for overtime for coming in early to sit at the computer and straighten up all the prop sheets and all the other stuff you do during tech week. So there's that.

MEMBER: The ASM also gets a bump up - both of you.

MEMBER: This language about the rights... if you're going to be asked to run lights or sound, that you get...

CAROL: Yes. What we've done is: There are two kinds of things you can do but they're separate from your Equity job, and there are things that you're not permitted to do. The things that you are not permitted to do will now be in the book: you are not permitted to be involved with contract signing with actors; you're not permitted to be handing out payroll. There are certain exceptions. You're allowed to take a sealed envelope that has an actor's name on it and give it to the actor, but you're not to be involved with payroll, contracts, termination notices - all those things that are truly management jobs, you're prohibited from doing, other than handing out sealed envelopes.

And that stuff is in the book. You're also prohibited from doing the janitorial custodial work... (LAUGHTER) I can't remember what finally ended up in the language about locking the theater.

FLORA: During tech, you have to have somebody else with you so that you're not locking the theater; you're not responsible for locking up after everyone else leaves.

SHEILA: Right. Rehearsal halls we have to lock.

CAROL: Then the other things like designing lights, shopping for props, doing sound, all that stuff, will not be in the book but will be a separate set of guidelines that will be distributed to the producers that say that if they want you to do this stuff, they have to contract with you separately and you have to come to an agreement on your compensation for that. It's stuff that is not in Equity's jurisdiction, so we are not going to be involved in any way as to what you should get paid for that, it's entirely up to you - it's entirely voluntary on your part. All we've said is they have to contract with you separately.

SHEILA: But this is an acknowledgment from the League that you do do more than only stage management duties. So it's a huge thing.

MEMBER: So is there going to be not only the new book but the new sheet that goes out, "The Duties and Definitions of a Stage Manager"?

CAROL: Yes, we have to re-do that.

SHEILA: Oh yes, we got a lot of stuff, or some stuff in the safe and sanitary rule. How do you deal with the stage manager's booth, and...(ALL TALKING) Again we didn't achieve everything we asked for but it's an acknowledgment that you guys have to have decent living quarters too, as it were. Communications, heat and air conditioning, enough space for your book, a lockable locker for your stuff. Everything about the booth has to meet OSHA [Office of Safety and Health Administration] standards, so you can't have zip cord dangling in front of your face. And unfortunately you're the one who probably has to fix that, but nevertheless, it's in the rule book that it's really management's responsibility to make sure that you're not going to get killed up there.

MEMBER: And because it was recently negotiated, will anything retroactive be as of the date of negotiation or as of the ratification?

CAROL: The money items will be retroactive to April 29th. Once you ratify. The other stuff isn't.

MEMBER: Carol, if you contract to do lights or sound or whatever separately, should that rider be filed with your contracts as well?

CAROL: We are not going to administer, but if you want us to know about it, you can certainly send it in.

MEMBER: So you wouldn't mind the information, then?

CAROL: Sure. There's another thing I want to tell you about, it's not directly related to you but you're the ones who have to administer it out there. We have now rewritten and we hope clarified tech week rehearsals. Don't tell anybody... (LAUGHTER)...but I think they lost 4 hours in the process. They don't know it yet. (LAUGHTER) It used to be that you would have up to 52 hours for the final 7 days, not including the day of first public performance; it was the 7 days preceding. And then there was another rule that told you what you could do starting the day after the first day of performance. Nothing defined what you could do on the day of the first public performance.

We shifted everything so that those 7 days now includes the day of the first public performance and that 52 hours applies to that 7-day period. 58 hours, whatever it is. And we've rewritten the rest period rule so that the night that you only get 10 hours is actually 2 nights before you open so the night before you open or have your first public performance, you get 12 hours, the night before that when you're doing consecutive 12 hours, 10 out of 12's, 10 out of 11 1/2's - that's when you get the 10 hours. So you'll see how that's written and I think it actually will clear up a lot of confusion about what you can do on the day of the first public performance.

It seems like it's only a small thing that we changed in the more remunerative employment

(MRE) rule, but it's a major conceptual change which is: we achieved a 48 hour notice for up to 2 days of MRE for all the people who get a commercial or a day shoot on "Law & Order" or whatever, where you get very short notice for it but it's only going to be 1 or 2 days work. So now, you can get out on 48 hours notice. During the rehearsal period, each person in the company can use this only once, but then once you open, you can use it. What we traded to get that was that you cannot use the 3-week short term MRE during the rehearsal process. The producers made the argument that people will sometimes take 2 weeks off for MRE during the rehearsal process and everybody else in the company is going, "How can we rehearse?" So we think this really makes the rule work better for everyone. And we think that the way it's now written, the stage managers who occasionally get something they want to go off and do will also be better able to do that. We have a short-term replacement stage manager rule in there now. So it should make life easier. I think those are kind of the highlights.

MEMBER: Did you mention the 401K?

CAROL: Oh yes. The producers will do salary deferrals for the 401K. They are not actually contributing. It's still going to be the standard 8% pension but if you wish to defer any of your salary to a 401K, you may do so. It makes sense if you know you're going to be employed a lot on one of the contracts under which you can do that. It doesn't make sense yet if you're only going to have short-term employment under one of those contracts because the cost of maintaining your account is not going to make it worth it. But for those of you who work a lot under production, off-Broadway and LORT and COST, those 4 contracts now have the 401K.

MEMBER: Just going back to something that Sandra brought up: if you are doing additional duties, whether they're running the light board, running sound or administrative management things that aren't under Equity jurisdiction, you mentioned that if you want us to know about it, you can put it in the rider, but Equity has no jurisdiction over those duties. Personally, I think it's stronger for the stage manager to negotiate those additional duties as a separate contract...

CAROL: Absolutely!

MEMBER: ...away from your Equity contract, because this way I know I have Equity here but why pay dues on your additional duties. It should be a separate check and a separate agreement.

MEMBER: I just wanted to know if Equity wanted to have the information in their files.

CAROL: I have to say, I think it might be valuable in terms of the stage manager - looking at stage managers across contracts - to be aware of what additional duties stage managers are doing and what kind of compensation you're getting for it, because we

know it happens not only in off-Broadway but certainly in some other of our promulgated agreements like the SPT [Small Professional Theater], and we can only know as much as you tell us. So even if you don't want to file it with us, if you're willing to give us that information in clumps after you've done it a couple of times, I think it could be helpful to us at every table.

MEMBER: Or tell the business representative assigned to your theater.

CAROL: I think it could help the stage managers committee in the future.

MEMBER: Might I suggest that there be a form that goes to stage managers who are involved in those likely contracts where we would possibly be asked to run sound or do lights and gather the information, even anonymously.

CAROL: Similar to the agency form, just like an information gathering form?

MEMBER: Right.

CAROL: It's just another form for you to fill out, whereas if you've got a separate rider or contract with the producer that you're willing to send us a copy of...

MEMBER: ... like a survey...

MEMBER: In terms of gathering the information, as Flora was just saying, it might be a fuller cross sampling of what's going on in the field.

CAROL: Our experience is we don't get the forms back.

MEMBER: I think there already is a form like that actually on the website.

MEMBER: First, I'm coming back to theater after a 10-year hiatus and the changes - some are dazzling, wonderful, and of course others may know about the struggle. I want to first of all thank you all for acknowledging that stage managers do have to train the sub, and not having studied the books a lot, that is such a huge improvement because we were all doing it, we all felt bad about it, we all weren't protected and thank you for really thinking outside the box and acknowledging what we do, just having been trained on Broadway and now off-Broadway. So thank you for that.

And I just wanted to open up a Pandora's Box problem with the non-union tours, for which I know Equity has been fighting very hard to come up with some interesting things. And I'm going to sound deliciously naïve at this point, but one of the things that I would love to see, at least the attempt, although I think it wouldn't work, but the attempt is to somehow down the road get the IA in one town to just say, "I'm sorry, *Music Man* can't load in here." I've talked with crews as I've been on the road this year, and of course the answer is we don't want to pass up the work, but at some point...

CAROL: The answer is, the IA [IATSE, International Alliance of Theatrical Stage Employees] has a no strike clause in their contract - they cannot do that.

MEMBER: Well what if they happened to

all get sick that day. I remember when there was a Broadway strike of the musicians' union, and Bob Fosse had said *Pippin* will perform without musicians, and I was going to be the first one to get a ticket because I wanted to see how the hell do you do that show *a capella* and with a metronome. And the IA of course would not cross the musicians' picket line. I know that's different, but if the other unions could somehow put pressure, some way, I don't know what way that is, with SSD&C [Society of Stage Directors and Choreographers] of course, but the stronger one would be the IA, I think there is some kind of link there that we could get more might than all the wonderful efforts you all have done.

CAROL: One of the problems with the tours is that the presentation houses have contracts with the IA locals, and those contracts are all different. And unlike Broadway, where most of the unions have clauses that say that if one of the other unions makes a request not to a cross picket line and it's ratified, then it's legal for us not to cross. Equity certainly has that clause. If the IA came to us and said, "We're going out, here's why," and our council agreed with why they were going out, our council would say we're not going to cross your line. You're on Broadway. That doesn't apply.

MEMBER: And there's no picket line, there's only an informational line, at best. But it just seems that if we were all in a plant and they took one aspect of the plant and said this is non-union, if we were building cars, the welders would say you can't make the glaziers non-union. I just wonder if there's been any discussion with the other unions of how...

PATRICK: The only way that we could really do it is if all of the contracts hit at the same time, because even if we could get the IA to be that sympathetic, and the truth is, since 9/11, all of the unions have been working much closer together, at least in this city - they really have been. If we could get them all to hit at the same time, then we'd be fine. If they said, "Well, we'll go out and we'll just...we'll be sick that night" or something else, the truth is that that union would be liable for the profits for that entire evening of that show that couldn't get loaded in and everything else like that, so they're just not about to go there. That sympathetic they are not, at this point. So...

KEN: And also SSD&C has made the argument that our members work all the time with non-union choreographers and directors.

PATRICK: And they do.

KEN: ...and they do. And so it's very hard to demand their participation when there isn't that *quid pro quo* across the board.

PATRICK: We've been meeting with SSD&C - a committee from Equity and a committee from SSD&C - to try and ameliorate the situation because there were witch hunts going on last fall with the whole thing with *Music Man* and with members of our union who were staging Stroman's work -

a lot of people didn't understand that when Stroman signs the contract for Broadway, because of the way the finances are set up for the Broadway production, the first class rights are bought. She has no say over the first class rights and they can be licensed. Absolutely. And they were; they were licensed to Big League - she had no say over it, as much as she would like to.

And then it becomes a moral question about whether or not. There was one of our members who was a dance captain on *Music Man* who chose not to be involved with the non-Equity tour because she felt that it was inappropriate to do so. There were 2 other people who felt that they needed the money and they had an SSD&C contract, they had a union contract. So how far can you go? Is it legal? Yes, it's legal. Is it moral? That's a whole other question. So that's where we are, and we're trying to meet with them now and they sit across from us and go, "Well, there are a lot of theaters where your union actors are working with non-SSD&C directors and choreographers." I said, "Well, talk to me about it. Tell me where they are. Are you trying to organize those theaters? If you're trying to organize those theaters, we are having a different discussion."

So they're the kinds of discussions that have been going back and forth at this point and they have been very helpful. We still have not reached a meeting of the minds but I think that we will.

KEN: There's also a flip side to your question, which is instead of asking the other unions to support us in terms of a full production contract, should we be asking the other unions to take cuts like we're taking? And should we be exploring, as we are now, an alternative contract for those producers who say they cannot afford an Equity contract on the road? And we know for sure that the non-union market is growing very rapidly. These are shows with guarantees of \$250,000, \$275,000 a week and they cannot afford to go out union. We'd be very interested in hearing from you - because this is the issue that we're grappling with - whether or not we should consider another contract where the goal would be to not invade what can go out as a full production but start to make inroads with respect to the non-union work that's already out there. So the goal is to protect what we've got but expand what we don't have and start to make inroads in our territory.

And there are a lot of people who believe that we shouldn't go that route and there are a lot of people who believe that we should, and that's what the union is debating very hotly now: which way do we go. And it's ultimately going to be decided by all of you, not the staff.

PATRICK: When I went to college, there were 2 places, I think it was CCM [Cincinnati Conservatory of Music] and Carnegie Mellon that did a musical theater program degree.

There are now 57 colleges and universities that are spitting these kids out who are triple threats. There are no theaters where they can get their Equity cards and so they're getting older and older and older as non-Equity performers. And so the non-Equity talent pool is growing and growing and growing.

CAROL: A part of it also is that the internal argument at Equity is: are we looking for more jobs for our existing members, or are we looking to organize those non-Equity jobs so that they become Equity jobs and bring those people into the union and expand what we are?

KEN: And just one other factor. I went with Alan Eisenberg to an all-day conference of presenters and producers, sponsored by the League [the League of American Theaters and Producers], and what was very clear is there were about 70 productions available for local presenters right now across the country and so they are really in the catbird seat. Because so much product is out there, they are able to be very tough with the producers and obviously the cost. And what they also say is that they lose money on most of the Equity shows that they do, but they're a necessary...not evil, but they're a necessary product to buy, even though they don't make a lot of money and often lose money - they're often called "loss leaders", because that's what they use to sell the subscriptions. So what they do is they buy the 1 or 2 Equity shows that are expensive and they fill in the rest of their season with non-Equity products like *Blast* or things that aren't in our jurisdiction. That's the market that we want to possibly take on if we can do it under fair terms.

PATRICK: Flora heads up the road desk, and she deals with this on really a daily basis and sees exactly what's going on with all of this. And it's not a great picture. It really is not a pretty picture. That's not to say that Ira show, *The Producers*, when it spins off and does all these road tours, yeah, that's full production. But we're talking about other shows that are going well: "We don't know if we can afford full production." And we're sitting there going, "WHAT?!" How far can we push the envelope? We made a special deal on *42nd Street*. It's 54? 56 contracts? What is it?

FLORA: I was just going to talk about that for a minute. Carol pointed out that there's this issue: Do we want to be organizing after the fact, after the shows are cast? Which we are trying to do with *Music Man*. And you may have seen on our website that in fact we have filed with the NLRB [National Labor Relations Board] for representation. And I think that's a huge victory, even though it's not my preference to organize after the fact. Or do we want to do *42nd Street* - and I'm actually going to say I don't want to focus the discussion on *42nd Street*, and *Seussical* and *Some Like It Hot* and *Saturday Night Fever*, which is going out on half one-nighters and

half one-weekers. All of those shows would not have happened without a special agreement. Those are jobs that I can tell you, certainly on *Some Like It Hot*, which left for Houston yesterday, on which there is a mix of actors whose major experience is on the production contract or on stock, but they're not people who are joining. We created 30 jobs for existing members by sitting down with Richard Martini and making that deal.

42nd Street is going to be a minimum of 50 jobs - it's more likely it will be 55 or 56 jobs, depending on how they fill up the principal standbys. And there are certain principal roles that could be combined, like that. *Seussical* was going to go out non-Equity. A few years ago *Civil War* was going to go out non-Equity, all of these with jobs that were filled by existing members. And that's to me an important point in terms of doing this.

My personal preference - if I'm not speaking out of turn but I'll say - my personal preference is that we look for work for the existing membership. There are 43,000 of you, and those are the people who we already represent. If we need to organize after the fact, we'll do it. We put a lot of time and energy into *Music Man*, and we're continuing with it and I hope that we bring them into the fold because already some of the people who have left that tour to join, because of our organization efforts, they're going to be members who are excited about being members, too. They're committed; they want to sign up for committees already. No, really, this is important because it's the involvement that makes the difference. But that's what I'm trying to do by sitting down with these producers in advance, is to create work that is available to you if you choose to have it. Some of you will not choose this. It's not right for some of you, but even *The Producers*... Patrick talked about loss leaders. Even *The Producers* on the road is not going to coin the mint for the presenter that we would all like to think that it is, because the presenter builds up expenses because they know they can get it out of that show. So the fact is the presenters will make money on it, but they're not going to make money the way they make it here in New York. They're not going to make money the way that they did 10 years ago, because there are other ways they're making it, but it doesn't come out in profit in the same way.

The road picture has changed. Michael [an SMA member], I'm sure, sees this more than most of us. He's been out there recently and will be back out there again. But it's changed, the finances have changed. If you look at budgets from even 5 years ago and budgets today, expenses have shot up in areas that we don't control and they don't control.

PATRICK: Right. Yeah, when I say they have us by the balls, I don't say just the producers; I say finances have us. I'm not blaming the producers completely on this at

all.

FLORA: The shops have us, the presenters have us. Presenters can go out and choose to put together an entire season out of products that, whether we like it or not, in a lot of ways can be quality products. Most of the non-Equity I've seen is not that great but *Blast* - people love it for whatever reason. People love it. *Stomp*, all of this is stuff that we can't even claim even if we had a contract. It's not our jurisdiction. They can go put together a whole season of that and they don't need us in the same way. So we have to pick up everything on the road that is our jurisdiction so we make it impossible or harder for them to go outside.

PATRICK: I get about 20 or 25 e-mails a day at the office, and there's been a slew in the last week, some of which Flora's gotten and forwarded on to me. This concept that I've never seen before of these members saying, "Why aren't we opening the doors? We should open the doors, we should embrace everyone." "Actors Equity should open the doors and anybody that wants to be a professional actor should be an actor." "Why did you make it so hard for me to be an actor?" And this was in answer to the dues increase. (LAUGHTER) And I'm going, "So we wouldn't have to have a dues increase?" I couldn't quite figure out what it was on that. And I haven't quite prepared the response to that yet. But I just want to go, "So fine, so bring another 30,000 people into the union and what jobs will you be offering these 30,000 people?" Because they think that if everybody's Equity, the producers have to go Equity. They're still only going to have \$50,000 for their season! It's not going to mean they're going to have any more money for their season. So it's just...

FLORA: And some of the e-mails - because most of them actually came to our new touring mail box - some of them were members that I know, some of them I looked up, some of these are members with 20, 25 years of experience, in all different kinds of areas. And the problem with drying up the non-Equity market is the point that Patrick already made to you.

[A few seconds of the conversation was lost in the changing of tapes.] They're not only coming out when they're 21, they're coming out and they range from 24 up to 50, so it's not like you can say you're going to dry up that market. Every year there's going to be another thousand people out there who will take that work.

MEMBER: I've been retired for the last couple years...

MEMBER: Lucky you.

MEMBER: ...somewhat out of it, although I would like to make a couple comments, because I spent a good part of half of my life on the road under production contracts and I also spent a good part of my life as management, signing and doing financial

settlements for some of the various shows that you're talking about. And it distresses me a little bit when I see in "Equity News" - and I wrote Alan [Eisenberg, Executive Director of AEA] a letter and gave him some facts - that producers are claiming that the highest expense is the actors' salaries. That's just not true. The highest single expense of any touring show is the IA labor. What the producers present to Equity is their package which are only department heads, they don't present to Equity the IA labor to load the show in, to run it locally and to load it out. There's no secret why most of these tours like *Music Man* are really truly not non-union; they're non-Equity, but they all have IA contracts because they know they need the IA to get in and out. And to say that the IA would be responsible if they called a sick out - I've seen it done. When *Phantom* was at the height of its initial power going into Pittsburgh, Local 2 of the IA - it's a very militant union, and they had been quite frankly having a hard time with the people in Pittsburgh which is not individual theaters but a group that has the Broadway contract. So they said alright, *Phantom* can load in, we'll negotiate. When *Phantom* loaded in, they said, "You'll never get out." And it was sold out in the next God-knows-how-many cities, every single ticket, because they said, "You either negotiate and sign a contract with us, or this show will never get out of that theater. You can get every injunction you want, but if people are sick and standing in a doctor's office, there's nothing you can do." And they pulled that off.

KEN: It's a very risky proposition. And some unions...

MEMBER: Of course it's a risky proposition, Ken.

KEN: ...some unions have not pulled it off.

PATRICK: Was it their own contract they were trying to achieve?

MEMBER: Yeah, every local has its own contract. The difference in Pittsburgh, their local is not...ask the Branigan Brothers - I know them well. (LAUGHTER)

KEN: There have been unions that have used the sick-out technique, been sued for millions of dollars, gone bankrupt. There's also another issue - it's a matter of the market place. There are a lot more actors who are unemployed than there are stagehands. The traveling stagehand minimum is in the neighborhood of 800 some odd dollars. No one pays \$800, they always get over \$1,000, \$1,200 or more and the reason for that is simply the labor that's available. It's the market working in its purest sense: because of the limited availability of those traveling stagehands, they can command the top dollar. Producers don't want to pay it. They don't have to pay it because the minimum is 50% lower, but they have to because of the availability. And that availability is very different from the availability of actors and that makes...it's apples and oranges.

FLORA: You could add to that. Before we started negotiating any of these special contracts, we looked at the contracts that they had with the presenters, to make ourselves aware of their costs for the load-in and load-out. We continue to look at those on a regular basis, for shows where we're making special deals. The fact is, we're not unaware of the costs that are part of their in and out and all of that. That is something that we chose to educate ourselves on at the very beginning and continue to try to keep up-to-date on. So a statement that the actors are the largest part is in fact a statement about their weekly operating expenses - the weekly payroll the producer is carrying. If everyone were making minimum, the actors would be at least 30% of the weekly operating costs of any production touring contract.

CAROL: (OVERLAP) Not including travel...it includes per diem but not including travel expenses.

FLORA: The only thing it doesn't include is travel, that 30%. And because that 30% figure means everyone was making minimum, it's generally more than that. It's generally closer to 40% - that is what is being spent on actors and stage managers who are traveling with the show.

MEMBER: Well, every individual show outside of what Garth [Drabinsky, former head of Livent] tried to pull with *Phantom*, and unfortunately I was involved in that too...

KEN: He ended up in trouble.
(LAUGHTER)

MEMBER: But every individual show is capitalized and is a separate corporation. So if there are 5 companies of *Phantom* on the road, each one is called something different and each one is capitalized and each one is a corporation. That is true of the shows organized in New York for any touring company that originates in New York. Well, since you can't take money from one company to another, each company has to make money or eventually they go under when they can't make payroll. How many shows, in spite of these producers crying, how many of them did you see fold on the road that weren't making money?

Now I have signed as the local presenter; I've signed as a general manager. I know how the local package is structured, and it's structured differently in each city. The local presenter is making much more now with non-union shows than he was before. But they weren't losing money before, because if they were losing money before, they wouldn't still be presenting.

KEN: Well, that's not necessarily true, because more than 80% of the local presenters are actually not-for-profit corporations. So in terms of losing money, it's sort of built into their structure that they're required to raise a certain amount of money. And for the hit shows that do come in, where they do make

money, they say point blank they use those monies to support the ballet, the opera and other dance things that come in as part of their cultural mission. So it is very complicated, and each structure is different. But I was a bit surprised to learn that the vast majority is all not-for-profit corporations. And it just makes their job a little easier, in terms of how much they have to raise if they do get a real good bunch of shows for not too much money.

MEMBER: (OVERLAP) Let me go a little further, because I've worked for Pace which went to SFX which went to Clear Channel.

KEN: Which now owns the world.

MEMBER: (OVERLAP) Which now...

(LAUGHTER) All these non-profit producers, presenters, local presenters, are usually partners with Clear Channel. Clear Channel owns 51% or more of every partnership they're involved in.

KEN: No, that's not accurate. That's not accurate.

MEMBER: Where are they a minority?

KEN: Well, we've heard from the Clear Channel representative that in most of their markets they do have a participation but more often than not it's less than 50%. But they clearly control the road, there's no question about that.

MEMBER: They control it...I would ask you to ask them for their local partnership...

KEN: They won't give it to us.

MEMBER: ...if it's a non-profit, if it's a 501(c)(3), it's a public record that you can get from the IRS. And you probably can get it on line. I worked for Pace, I did all financial settlements for *Phantom*; I renovated theaters all over the country to accommodate Pace. No theater had more than 51% and there was only one that had 51%. Pace didn't have less than 51% anywhere. The only place they had 51% was Orange County. I know what those contracts were; I also know those people, and they're not going to give those local people a dime. Any more than they have to. And this is why the grand jury a couple of years ago was investigating Pace in Philadelphia - to find out where all this money was going. I know where it went. It all went to Houston.

KEN: Clear Channel is still being investigated.

MEMBER: Right, I understand that. But when they say that, ask for those records because I...like I say it's been a couple...

KEN: We have.

MEMBER: No, you don't have the 501(c)(3) where they claim...

KEN: No, we don't have those. The problem with the 501(c)(3), and maybe it's changed but the last time we checked into that, there's usually a time delay of 2 years or longer in terms of getting those records. They're very hard to get hold of in a timely way. But we'll try and do that.

FLORA: I actually pulled the SEC filings on Clear Channel at one point as part of my

research, which I have access to through a paid data base that I use, and I can tell you that it is not illegal but it is a choice that Clear Channel makes that they do not specify in their SEC filing where they own, where they operate. They simply say that 17% of their bottom line is live entertainment. And the SEC rules are such that they can get away with that. They do not have to list, for example, all the theaters that they control or own. Or the percentages, or the shows that they're in. Frankly, you can get more out of the New York Times article from a few weeks ago than you can get from Clear Channel's SEC filing. It's a very dense document, but they deliberately leave that out. And they do the same thing with radio: they don't list all the radio stations they own or control. You think we have a problem - AFTRA has an even larger problem. So the bottom line is, this is information that is not easy to get, though we're always looking for it and asking for it in every way possible.

MEMBER: I guess the point that I was trying to make is that I don't think Equity, at least from what I can read, is getting the correct information from the producers, because I refuse to believe they're losing money and I'm sure Michael will go along with that. And they're certainly not getting the true financial set-up of these people who are crying wolf. And because you're not getting it, I don't think we're being strong enough with the presenters, the producers who are trying to do this non-union show.

KEN: I can tell you that with respect to any special touring deal that we've done, Flora has gotten all of the financial information that most producers would never give us, because they know that we will not make a special deal or create a contract for them without full financial disclosure. We got it on 42nd Street, we got it on *Seussical*...

FLORA: Our position is that we have continued access to their books at any time on that tour, and that we could call for an audit if necessary - which is part of our putting in an overage participation. But I've got to tell you, my background, my training before I came to Equity was as a manager. I didn't come from a union background - I came from a management background. And I have to say, I believe I can read a budget, I can read a settlement, I can read a box office statement, and I've certainly read booking and presenting contracts. We're very fortunate that there are a number of producers and general managers in this business who understand that it's to their advantage that Equity understand the way that it works - who have gone beyond full disclosure to sit down with us and show us information that they wouldn't even show another producer - that they probably don't even show their investors unless forced - because they understand that they're more likely to be able to negotiate with us if we understand how it works. Whether or not you

could get that from what you read in the "Equity News" is something else again, but the fact is that to negotiate a contract like *42nd Street*, the time that I spent personally before I could go to Alan and Ken and the committee and the officers, with some kind of special...was literally at least 100 hours sitting with their lawyer, like a captive, plus the time that I spent analyzing their budget, line by line, and saying to them, "No, I'm sorry, this general management office fee is quadruple as high as it should be." So no, they're not losing money, because they're taking it in office fees and in percentages and in overhead and we do look at all of that. So yeah, they're making money every week, but they're not making it on the end where it's easy to see. That's why we're looking at it from the front end.

KEN: Now the fact that we're getting a lot fuller disclosure than we used to is a relatively recent phenomenon, and it's happening because they are being so squeezed that they are going literally out of business in terms of the road market and looking for alternative ways to tour. What was also interesting to me when I went to the conference the other week was that the producers are now saying to the presenters, "We'll show you our books, you show us your books, and let's figure out a fair way to make this thing work." And guess what? The presenters were silent. They don't want to show how much they are making. The presenters are doing very well and they don't want to show their books to the producers.

MEMBER: Well that's my point. Unless you have what you can say about signing a settlement, that's between the company and, say, the local presenter. But if you don't have a copy of that internal settlement for the building, you don't know how much a presenter is making and how much he's kicking back to somebody like Clear Channel.

KEN: That's true.

MEMBER: And if it's a public corporation, non-profit, those things are available and you should make a strong effort to get them.

KEN: Producers want them as well. Everyone wants them.

MEMBER: Get them even if it takes 2 years to get them, you need to have that because you're going to prove how much money they're really making when you're giving reduced rates on benefits and salaries.

MEMBER: We've all worked for many, many producers and none of them ever made a dime. But none of them ever went broke either. Somehow somebody's making money somewhere.

FLORA: But let's look at it another way, okay? Let's look at it in terms of: is it a bad thing for the producer to make money? No, it's not, because it's the money they make on that show that allows them to do the next show. Our concern is, we want to make sure that the producer is not over-maximizing that profit. I'll tell you something I found out

about *Music Man* that stunned me, and in terms of the general road as opposed to the blockbuster road is a very big deal. Every week since the beginning of that tour, it is our understanding, from sources that are quite reliable, that he has been walking away with more than \$100,000 in overage. That's over and above the amortization included in his guarantee.

MEMBER: It's coming off the back of those actors who are making dinner theater salaries.

FLORA: Our guys figured out he could still walk away with \$75,000 every week and have a reasonable Equity contract. So what we're concerned with is not that they don't make money...do we want to zero them out? No, we want them to make enough money to do the next show, but they shouldn't be maximizing it on the backs of the actors. So yes, I think more often than not there's a lot of money being lost and the reason that they're still going forward is because they're taking it in the front, in the weekly operating costs. But to say that producers shouldn't make money is not a realistic view.

MEMBER: We didn't say that, we didn't say they shouldn't...

MEMBER: ...if they didn't make money we wouldn't be on the road, we wouldn't do anything, but if we cut our salaries 50%, then the producer makes more money because his capitalization is roughly the same.

FLORA: Actually no. Actually...

MEMBER: Well I find that hard to believe.

FLORA: Well, what do you think? Just to give an example, every show that we've done a - I won't give a specific example because it's not really fair to the producer - every show where we have created a special agreement has been capitalized at less than \$2.4 million, and in fact only one has been above \$2 million. Producers who have not negotiated specials tell us that it's very, very low. The reason that we put in a sliding scale at the front as the guarantee goes up, an overage share at the end if it goes up, is because if the producer quote/unquote is making more money because the actors' salaries are less, then the actors should share in the more money the producer is making, whether they're making it in the front (in the guarantee) or in the back (in the overage). And I know it's not perfect, and it might not work, but the fact is I didn't want to see *42nd Street* out on the road for 70 weeks, which is how much they had booked when they came to us, non-Equity. I didn't want to see that, and I think that we got the best package possible based on the numbers. I think that is also true of *Some Like It Hot*, which simply wouldn't have happened because I have to say Tony Curtis was not going to go out non-Equity, even though he wasn't a member when he started that show. I didn't want to see that happen with *Seussical*, something that, as we all know, dropped what, \$14 million on Broadway. None of us wanted

to see that. You r council, your elected council didn't want to see that because it's not to your benefit for the future. If they learn, as they have seen with *Music Man*, that they can go into the "A" cities and play full weeks and multi-weeks and make a bunch of money, then why not try it the next time with the next show. We have to make it impossible to find a show to put in there at full weeks and multi-weeks and make that money by having those shows be on Equity contracts, and the only way we're going to do that is making sure that the Equity contract is financially viable from both ends. And whether the deal we made on *42nd Street* is financially viable for anyone in this room is one issue. The deal on *Some Like It Hot* might be something that is financially viable for you. None of these might be financially viable for you, but we have a lot of members who work every week making less than that and make their living. Whether you can do that or not, I don't know. I don't know that I could, and that's a really tough thing to say, but I know that the package on *42nd Street* is substantially more than 30% of what they're spending weekly operating.

MEMBER: My impression earlier today is from something that Ken said before in the discussion about whether to do a standard contract for the road that's less than production. I understand the reasons for all that, as Flora has explained. But if you offer that option, why would a producer go for the...

KEN: Because there would be limitations as to who would be eligible for it. For example, it couldn't be for a show that had a guarantee of more than \$275,000. So if you're going out on the road with more than that, then right off the bat you know you can't do that kind of show. It really is to capture the non-union market. Those are the kinds of shows that we're losing and we want to get back.

MEMBER: Two things I wanted to throw out there and comment on. I know it's harder for us because actors have agents who do their negotiating. One of the things that Equity negotiates is the minimum. It is then up to us to negotiate our own personal salary above and beyond that. It's not always easy to do, and it depends on everyone's negotiating skills. What Equity negotiates is a minimum, but there's no cap on what we can make - actors as well.

Something else to consider is sometimes just explaining to people who aren't in this industry, "Oh, you're doing an off-Broadway show, what are you making?" "Oh, it's like 5 something a week." But you also need to sometimes figure in: yeah, but I'm also getting another almost \$200 a week that I'm not seeing, that's going directly into Social Security and health and pension. I'm getting health insurance, vision, dental from doing a show that's just 10 weeks long and whenever I call they're like "Oh, you're fine till 2005." Thank God! And so I just wanted to throw that

out there: that we can negotiate for a higher rate, and we are also getting health and pension.

And something else. Not to capitalize on tragedy but in a... not to be cliché, but in a post-9/11 world, finding work is not as simple as it was before September, because the industry, theater, hotels, restaurants, have all been hit and have all taken blows and we've all had to say: okay, do I want to keep working or do I want to use up those unemployment benefits, now that the extensions are about to expire?

In addition to all the Equity work that I do, I also work with a non-jurisdiction company called "The Flaming Idiots." They're great. They take wonderful care of me, they pay me above production contract minimums even though they play in, some "A" houses (I don't know what types of houses are), but one of the things that I have to do with them and that I'm very grateful for is that their agent spoke with me about the tech rider that goes out to the presenters. And some of the other places where we can get negotiating skills - where we can gain things that we need for our shows that are out on the road - is through the tech rider, because once a presenter signs off on it, they're bound to that. And it can be any variety of things, such as the labor calls you need. And so I'm just throwing out there that getting involved in the tech rider process and boosting one's own negotiating skills and being aware also of the health and pension as part of it, it doesn't make all of this easier but it's something to think about as well.

MEMBER: One of the biggest issues that I've noticed that's come up is the communication-to-the-members part of this whole issue. There's no way that we're going to have everybody be on one side or the other of this, because there are people in this field who don't want to undermine the production contract and then there are other people who are on the total other end of it, who are Equity members who will go out on the road for the same amount that the non-union people are going out for. And I think that the communication of how this is happening and why, what's going on with this for our members, is the trickiest part of this whole issue from my point of view in the process, that I've been part of, being on council, of watching this.

And the fact that we're here today doing this, the fact that the last "Equity News" is all about this, is really important. And I think that as many members as we can get to or get feedback from so that we can let more members know what the fight is about and not the anger that comes back on each side. I don't know how to do that - I'm just throwing it out as making the communication of this situation more available to everyone - in the dinner theaters, in the stock companies, in the SPT's, those people who are not part of this

small, small group that's here. And that to me is where the biggest bugaboo is - that we're not getting it out to enough of the members in a way...more members need to be gotten.

PATRICK: I have to tell you, I don't agree, to be quite honest with you. I don't know what more I can do except run naked through Times Square with a banner. We have done almost an entire issue of "Equity News", we have the entire website done, and I have sent a letter out. The truth is, I think the crux of the debate is going to be here, right in this 10-block area. Because the people who normally work production contract are the ones who are going to feel most threatened by changes in the production contract. And should. And they're the ones you want to hear from the most.

I'm going to get letters from people in Iowa, "I think the special touring contract is really great." Well, of course they would! If the last contract they worked paid \$210, yeah, they're going to think that's great too. I truly believe that in the next couple months you're going to see...What I've done in the articles I wrote was, write to the council, get on the website, write...I've gotten lots of e-mails. I'm printing up all the e-mails from the council. We're doing a special council meeting on June 6th, because the truth is I don't know whether this is right or not. I really don't. I'm not God, I'm...really, I'm not omnipotent, I haven't thought so from the beginning, except on a couple of roles that I played...(LAUGHTER) But not at all about this issue. I'm feeling in the dark as I go on this one because I'm trying to do the best that I can, and I'm not the one who's making decisions - a lot of other people are too. I didn't see the 42nd Street contract till it was finished, until the special touring...I was in Portugal.

So the thing is that I believe that once this goes out, once *Seussical* goes out, once 42nd Street goes out, things like that, if a majority of the membership goes, "No way, we don't want this" and "We know that if we turn it down what we may be doing is turning the road non-Equity, that's the way we want it but what we don't want is we don't want this." It's a democracy: if that's what the membership wants, and then that's what the membership will do.

MEMBER: I'm sorry, Patrick, I think that is what I'm saying. Like you just said, the people in Iowa who think that \$200 contract is perfectly fine...

PATRICK: But I'm sorry, I...

MEMBER: I think that there are people who aren't hearing what the message is.

PATRICK: But you know what? I'm sorry; I colored it and I shouldn't have, because the truth is they're members of this association as well and they have every right to go out on tour, and if that tour contract is \$600 a week, then it's \$600 a week, because the truth is you can go out on a stock contract for that. You really can! And the one thing I do believe at

this point - and the membership may prove me wrong - is that if it wasn't for that contract, you could kiss that show goodbye. And there would be no union contract and there would be no pension and there would be no health on it at all. You would not be getting, in 10 weeks, health benefits for a year. You wouldn't be getting it.

Now, on some of them I go...(MAKES NOISE) ...like this. The membership will weigh in, and the council will weigh in on this. I think it's going to take a little time, and ultimately it may be something that fails. It may be something that the democracy says, we just didn't want that.

KEN: You know what? One of the trickiest things to resolve, which we haven't done yet, is who exactly is going to vote on this.

PATRICK: That's the killer.

KEN: Because if we send it out to the membership at large, it's going to pass like "that", because the membership at large wants to work. If you limit it to the production community, the people who do work but maybe not on production are going to be pissed that they've been disenfranchised.

PATRICK: It's going to be very difficult...

KEN: (OVERLAP) It's going to be very, very hard to even figure out who gets to vote on this thing.

PATRICK: I just hope before anybody votes, and before we decide to really put in concrete what we're going to do here, I do believe one thing, and that is that the rules have changed, and that the road that I toured on 10 years ago does not exist anymore. That doesn't mean that we have to go the route that we're going right now, but we certainly have to go a different route, and it doesn't have to be on every show, either. I'm not saying that the production contract is dead. If it is, then I spent 17 years as the chair of a contract and I wasted a lot of my life. But we also...I'm getting e-mails from people who think it's 1975, and I'm going: guys, hello! Let's grow up. We all have to be adults now, don't we? Because they're saying, "Just say no to the producers, just say no, then they'll come back to us." Sure they'll come back to us. They'll come back to us and say, "We're taking it out non-Equity, bye bye now."

So I must tell you, in no way do I think that I am right; but I don't think I'm wrong either. And so that's where I am right now. And also, in no way am I making the decisions right now.

KEN: When are you going to Portugal again? (LAUGHTER)

PATRICK: Actually Jeff [Markowitz] and I are going. We're taking *Class Act* to Japan for the month of July and I can't wait to get out of this town. (LAUGHTER) Yeah, Japan, and I get to be the one to tell the jokes. Yeah. (LAUGHTER) In Tokyo. So at any rate, this is going to be a process that's going to take months, and we'll see what happens.

But the truth is, somebody was writing a thing for the newspaper at one point to try and explain this all and they said, if you want us to change this, then tell us, we'll do so, we'll tell you that you're wrong but we'll do so. And I just went no! You won't tell them that they're wrong, you'll tell them that it's a democracy and if that's the way they want it, then that's the way it's going to be. And that's what I truly believe.

FLORA: And to add to what Patrick is saying, two points, one being that in fact we did for a period of time say, "There's a production contract, and if you can't use that, don't tour." And where we ended up was *Music Man*. When we were much more severely limiting the access of any kind of special agreement for a road tour, we had shows that didn't go out at all and we had shows that went out on stock and then ended when the stock season ended and wouldn't do the roll over, and we ended up where we are with *Music Man*.

Not only has the road changed but the economics of our business is always changing, as is any business. We're not the only people they have to deal with. It's not like we say, well you want us...as much as I think we are by far the most important because they're not coming to us for stagehands, to move scenery, but there's a whole picture out there and there's a report back to investors they have to make. Absolutely. Each show is its own limited partnership and each limited partnership has investors who expect to get their money back, or want to - maybe they don't expect it anymore.

So we have to share in that big picture. We have to try to understand it. But if this is what the membership decides they don't want, then it is what the membership does not want. I honestly believe based on the last 5 years of watching this very closely, that what we will end up with is a non-union road, except maybe 1 or 2 shows and even then what will happen is they'll figure out...just to pick on the producers because it's easy, they'll find out that they can get a star who doesn't care whether that show is on a union contract or not if they can get their \$50,000 a week, and that show will be out non-union. The show in 5 years that is *The Producers* will go out non-union. And then they will turn around and they will open it on Broadway non-union the season after that.

PATRICK: Over my dead body.

FLORA: No, I'm just telling you I see that, because it is about the bottom line to them, and we can't change that. So if they say to an actor who really, really wants to play a role and they say we're going to pay you \$50,000 and 5% of the gross to play this role but by the way, there's not going to be an Equity contract, we know that there are a lot of people who would take that. We know there are a lot of stage managers, please forgive me, who would take that work and not be on an Equity contract

because they would be production supervisors or technical supervisors and we have non-Equity tours out there right now where there are our members, stage manager members, calling themselves technical supervisors and doing that work. The fact is would you rather have that work with benefits but with less money up front or not have that work at all. I think we would all rather have that work with benefits and less money up front.

PATRICK: Somebody wrote me the other day and said, "Why?" about the dues increase. It's just been a fun time lately. (LAUGHTER) And said, "Why the dues increase, and why isn't the 2% taking care of it?" And I have to tell you when I was on the finance committee, the first time we dealt with this, I went, "Yeah, why isn't the 2% taking care of it?" And we went through all these numbers and numbers and numbers, and there are several reasons.

One of them is in the last 5 years we've had a 41% drop in workweeks on the road. I think that tells you something about what we've just been discussing. And the other is something a little more personal, and that is I pretty much negotiate what I do right now as a middle player, because of the way the minimums have gone, that I did about 12 or 13 years ago, 14 years ago, I negotiate the same salary I did then. And in going to Tokyo with Jeff, I'm making half of what I made on Broadway to go to Japan. Just things are good all over, you know what I mean?

So when that happens, when all those numbers keep crunching all over the place, our 2% unfortunately goes with it, and especially the 2% of the...that's where we really got killed is the 40% in the road, the 2% just like washed us out. So that was the problem with that.

Unfortunately, I have to leave to go back to a meeting at 5:15 at my office. I wish I could stay, and rant and rave with you...(LAUGHTER)...but I've written down the things that you said, and I want to talk to Alan about that stuff.

MEMBER: You want a list of Clear Channel's local deals.

PATRICK: Yeah, because I hate Clear Channel. Yeah, we very much would.

MEMBER: ...I have the one from 3 years ago but I can get an update.

PATRICK: Well, the Schubert antitrust suit was small change compared to what should be happening right now...

MEMBER: I do know that the federal grand jury in Philadelphia is investigating it because I got subpoenaed and I was told I couldn't speak about it.

KEN: We won't tell anybody.

MEMBER: So that's one of the things they're looking at is the non-profit use of...non-profit...basically they wanted to know, when we were renovating theaters for *Phantom*, where did the local non-profit get \$300,000 to put in a new [word not

intelligible] system in the Taft Theater in Cincinnati. I said I don't know, the checks came out of, at that time, Pace in Houston. They sure didn't come from the non-profit.

KEN: They're producing the shows, they're general managing and they're sending them out on the road and then they own the theaters.

MEMBER: They are also a heavy investor in non-union shows...

KEN: Right, we know that.

PATRICK: Well thank you all for having me. (APPLAUSE) I've always thought of stage managers as my friends, and they take care of me. (LAUGHTER) I walked in, I said I'm not going to know anybody. Jeez, I worked with about 15 of you. (LAUGHTER)

MEMBER: We're still willing to invite you to our meetings. (LAUGHTER)

MEMBER: There's another subject that I want to talk about...

RICH: Could I just put closure to this? Because it's been so valuable to hear both sides. There's a passion on both sides, and it's obviously a vital issue. I feel personally that, listening to all of it, the thing that seems to be on the back burner and maybe should be pushed forward more is the equity, lower-case "e" equity, part of this. Why are we the only ones who are taking so much of a hit on this? And can we please try, thinking outside the box, to get some kind of consensus among the other unions so that there is equity, so that everybody shares in...

KEN: Well, that's exactly what we're doing. When Alan and I have met with the producers, before we even get past square one, it's "this is a global deal and we expect there to be accommodations across the board from all of the unions." And as I said, when we were talking about stagehand costs, some of it has to do with market. The minimums are low for the traveling stagehands, it's the market, the labor force that isn't available, that drives it up. The musicians just negotiated a "pamphlet B" contract, which has a number of concessions to deal with a lot of these situations. So that's been an improvement. Those are the only two big ones, aside from Equity. So it's starting to happen. We're looking at ATPAM [Association of Theatrical Press Agents and Managers], we're looking at SSD&C and the others, but they're not...One of the biggest things that happened was around 10, 15 years ago, when they created the royalty pool. The royalty pool really has, more than anything, substantially driven down the amounts of monies by an enormous amount - the royalty participants from SSD&C and the Dramatists Guild. It's amazing how much less money everyone now makes by being in the royalty pool. We feel it because of the workshop - we have our 1%, and it's just awful. But it was also necessary because shows would run and would never return a profit. So those entities, those groups gave at the office, pardon the cliché, 10 years ago and are making a lot less

than they used to.

Patrick talked about making the same today as he did 10 years ago. Well, SSD&C is making less for its members than they did 10 years ago. So everyone is giving in their own ways, and really, Equity is the last one to hold on to the old production minimums that unfortunately now can no longer sustain a lot of the non-blockbusters on the road.

RICH: Thanks, Ken

MEMBER: A couple of things. I think one of the things that would be very good for Equity - and I know you've been getting the word out there as much as possible - but dovetailing with what Marjorie said, I think these kinds of meetings...I know you go to an Equity meeting, you get a bunch of unemployed actors on a microphone and it's... you know. (LAUGHTER) But I do think information and meetings so that they can ask questions and that they can hear the human side...the information coming out in the newsletter is great, but if people don't read them or don't...I think the more back and forth mini meetings you can have along the way, the more you'll have membership feeling that they're part of the process.

KEN: I understood what Marjorie was saying, and really I think part of what Marjorie is saying - and it's true but I just don't know that we have the manpower to do it, really - is to visit all the companies. And I think that's really what you're talking about, but...

MEMBER: If everybody could have the kind of understanding like what's happening right here, you wouldn't get as much argument and pissed-off-ness if you're having this kind of information...this kind of conversation eases everybody's...

KEN: (OVERLAP) It's just that there are hundreds and hundreds of companies. We did have an open mike meeting at the council and less than 40 people showed up, I think. So that was disconcerting. People are interested and yet they won't come to a meeting, so we have to go to them. But going to them is not terribly practical.

MEMBER: The other thing I just wanted to add to what Shelli was saying about tech riders. We were just in a situation with *Stones in His Pockets*, where we were at the Curran Theater: the tech rider... the presenter crossed out whole sections - basic things the show needed - and we didn't have a signed contract with the Nederlanders until the day we closed. I was appalled. I thought, that's just not how you do business. That's how ridiculous things in writing are. You can actually go into a theater, play for 4 weeks and the Nederlanders are still saying, "But we're not in agreement about this," and they were money issues. And we'd already given them the services and they were still dickering. So the books and anything connected with the presenters is ridiculous.

MEMBER: This is not really about touring,

specifically, but I think what this has brought to the forefront, maybe more than any other issue in a long time, is what Marjorie and Patrick and Zoya were just talking about. Just count up the clichés. You can lead a horse to water but you cannot make him drink. I've known Nathan Lane for almost 20 years; I've done 4 shows with him - we just did a show for a year. I can guarantee you that, not only doesn't he ever read "Equity News," but he surely was not one of the few thousand people that voted for me or John Atherlay. I can't imagine he even looked at his ballot.

The problem is, here's an organization, an association of some 40,000 members, and there were barely 7,000 valid ballots in the last election. We can only hope - and as a councilor I'm saying this - we can only hope that issues like this will actually make the membership respond to the elections and their representatives in council the way it...again, it's not a good portion of the population, but the way America tries to put Senators and Congressmen in Washington. You really have to believe that the person you're checking your box next to is going to represent you, because that's where it gets done. I also think - just in a roomful of stage managers, I think we are the front line. And you don't have to be an active member of Equity, you don't have to be a committee member, but you have to know. or you should know, I believe, what's going on.

If you're going to respond to a question or an argument or take part in an argument, we have to be the ones who actually know the facts and not the rumor mill. It doesn't matter which side of the argument you're going to fall out on - that's your own personal business. But you must, I believe, be on the side of the facts.

The 42nd Street agreement went up on our call board at *The Producers*, and one of my principals came and one of his many concerns - he had a few - one of his many concerns was the disparity between the actor minimum and the stage manager minimum. And he didn't understand where it came from. And then he said - now this is somebody who's been working in the business for a long time - and he said, "It's not like that on Broadway. What's the actor minimum these days?" And I said, "It's not quite \$1,300." He said, "Well there, you see?" And I said, "But the stage manager minimum on Broadway is over \$2,000." He said, "Well..." (LAUGHTER) ...oh!" And that was the end of the conversation.

And then we got into a conversation and I explained to him the reasoning as to why there is disparity between the two salaries at all - which the panel can talk to if they want to, or you can ask them - but I really believe that this is a hot issue, but it's not the only hot issue that's going to come up. And I think that we need to take this opportunity to spearhead, because we are the philosophical spearheads of each of our individual companies, regardless of

the contract and/or union affiliation that it's under, and at least make sure that you're guiding it factually, if indeed you're guiding it at all, if you're being asked or if you are providing information. Like Patrick said, it really doesn't matter which side of the argument you fall on personally or professionally, but truly make sure that the facts are straight and point people to the... It is a democracy. People get elected to Congress because people like Marjorie Horne, who is a private citizen, gets involved in politics, and that's the way it is here. The members of [Equity's] Council are guided by what the private citizens, who are the committee members, tell them to do. It all works the same way. It doesn't matter if you're being loud if you're not actually helping to make a change.

MEMBER: I've always told my casts that you can't complain unless you've at least volunteered on a committee.

[The tape was turned over here, and some of the conversation was lost. There is a discussion about musicians.]

KEN: They usually travel with [the touring company]. Sometimes they do local pick-ups depending upon the piece. I know that with 42nd Street, part of the deal was that they had to have the musicians as a core group; they didn't want to do pick ups.

FLORA: They wanted self-contained status, and I believe...that's something we'll have to negotiate with AFM [American Federation of Musicians].

KEN: Right. About letting...because the musicians have contracts with the local presenters, and it's very hard to change those local contracts.

CAROL: Because the locals have minimums.

MEMBER: Right, but I'm saying these tours are traveling with their own band.

KEN: Usually a core.

FLORA: ...the AFM is giving reduced rates for those musicians who are traveling with the show. They are obviously not able to change the local contracts, so in fact that puts pressure on the International to give an even lower rate for the musicians traveling with them, because they're not getting a break from the local. In some cases, shows are planning on going out, or may go out, with non-union musicians. In other cases there are shows that...well, in each theater they'll pick up the locals, but they're not going to be traveling.

KEN: And they do play together.

FLORA: And they play together.

(LAUGHTER)

KEN: We have non-pro ratios at Equity.

FLORA: That is going to start to be a problem for the AFM. And we just heard it the other day from a show that we would believe should be going out on a production contract. They are planning, budgeting based on carrying a virtual orchestra.

MEMBER: But how can they say they don't

have the money then?

FLORA: (OVERLAP) What they're saying is, in order to make this budget work, they have to cut money from various places. And one of the places they're going to cut it is by carrying the virtual orchestra and a much smaller group of musicians.

MEMBER: Oh, virtual means like computerized systems. So there are no live musicians.

FLORA: Fewer live musicians. There will be like 3 or 4, and then they'll have the virtual orchestra, and then they'll do local pick ups.

KEN: And it doesn't sound bad.

MEMBER: No, and don't forget that *Phantom of the Opera*, when the AFM pulled a strike on the Kennedy Center, played 2 performances with 2 pianos while they were taping the Berlin Philharmonic. And then they played another 8 weeks with recorded music. The way the set was, nobody knew the difference anyway.

MEMBER: We did 2 pianos in West Palm for 4 or 5 shows and very shortly after that put together a virtual orchestra that we could use as a back up. It never came to that, but we thought it might.

FLORA: Some tours are already traveling with tapes or virtual orchestras because they believe, and this is a Clear Channel issue, as well as the pressure that is being put on the locals is going to be extreme. We will have more problems like we did at the Broward Center where the AFM pulled out the pamphlet B's as well as the locals. And so we have shows out there that have been out for 4 or 5 years already, carrying tape or virtual orchestra so they do not need to care what the AFM is doing. Their problem - except in a sense it's our problem, because you guys will have to work with either the non-union musicians, as happened to the "Cabaret" tour at the Broward Center, or be dealing with virtual orchestra or tapes.

MEMBER: I just want to say one thing to what Marjorie said. I think Equity's done a great job getting the issue out. The newsletter, the home page... I think unfortunately we have an association of 40,000 members, most of whom pay very little attention to the organization. If they had paid attention to the organization almost 20 years ago, we wouldn't have had seats on council. We recognized we could get more stage managers at the annual meeting than anybody else. You can give them the information, but if they don't read it, what else can you do?

MEMBER: (OVERLAP) I think it seems like there were two different ways that this was heard, and I think Ken and a couple of other people heard it...I was acknowledging the fact that this newsletter went out and that's what we have to do, and that we have to continue that and find more ways, like Zoya said, of getting the information out to the members so that...I think that the angry letters and the

letters that say, "I'll work for \$200 a week," both places come from not having the information. And I think that what happened with the newsletter is exactly in the right direction. To me, most of the issue is the communication part of the issue - making sure that as many people as we can get to, get it, that there are problems on the road that they're not aware of that we're trying to deal with here in New York.

MEMBER: Is not Equity trying to get e-mail addresses of the membership?

KEN: Yeah, we have several thousand actually, already.

FLORA: I did a company meeting - was it last week? There were many important things said at that meeting, and it was great to see 30 people show up - almost the whole company showed up at a company meeting, and you all know how rare that is. (LAUGHTER) But one of the things that were said by one of the members there stuck in my head. He looked around at his colleagues and said, "If we don't like this, it's our fault, because we haven't been involved." I, as a staff person, am directed by the membership. There are 5-year elected representatives on the council - that's how we're directed. So if you don't like the decisions that are being made - your cast doesn't like the decisions that are being made... Out of all the people who were at the company meeting, I'll bet we'll get 3 or 4 who will actually follow through, which is a lot. And that's great.

But it just stuck in my head, and I thought it was so true. And this actor, I think, will get involved. But he made that point - if we don't like it, it's because we weren't...now is our chance to try to change it.

MEMBER: I was amazed that we had that many that did show up, and I wholeheartedly agree, if we don't do it, it's our own fault.

MEMBER: As an example by the SMA, which is a microcosm of populous turnout, we have been having some problems for the past few years getting people to attend our forums. And this meeting today was Dan Zittel's idea. I hate to say this, but food and drinks - if you provide it, they will come. (LAUGHTER) We had been having maybe... we were really excited if we had just 16 people at a forum, half of which were board members. And today we have 44 people...(APPLAUSE)...which is really great.

MEMBER: We tried the food and drink; we tried it. (LAUGHTER)

JOHN A.: I just want to make a comment, and then we can spend the last half hour on some other topics. I have actually been on a couple of these tours. I'm fortunate enough to be able to negotiate above minimum and get some things that make being on the road a little bit easier. But the one thing that I've noticed is...there's something very great about playing Tahlequah, Oklahoma and Council Bluffs, Iowa and stuff like that, because you sort of get

back to the people who are going to eventually come to New York and see more plays. And the thing that I have learned is that when we go out and we walk down Main Street, and people come up and say, "Aren't you in that show?" we talk to them, and we explain the fact that not every show that's playing that theater is Equity, and they are shocked. They're appalled to find that out, and many of them have gone straight to the presenters and demanded more Equity shows.

So one of the things that we can do perhaps is, when we're out on the road, make sure that people know what is Equity and what is non-Equity. A number of years ago Barry Williams went out and played Captain von Scab for a couple of years...(LAUGHTER) And we took a very firm stand on that and we won. And I think since then we've just heard about Tony Curtis refusing to go out unless it was an Equity...I was supposed to do a tour with Mary Wilson - she refused to go out if it was a non-Equity company. This is a fairly new issue, and we're taking the stand - this low guarantee contract (I'm the first vice chair of that ad hoc committee, so if you have any comments or thoughts, you can always contact me) is a new process and if we spend a couple of years dealing with it, and we find out that we have failed miserably at it, we will get rid of it - and the road will go mostly non-Equity. I think we know that could happen. Or it might become such a big old hit that local people want the Equity companies, they're demanding Equity companies, that we regain some of the control on the tours. That's all I wanted to say.

MEMBER: Two things. Trends happen, and then they unhappen. There is a church in the theater district because people thought that the theaters were never going to be full again. There was one year when I had a show that waited 3 months to get into a theater, and the next year there were empty theaters all over the place. So trends change. We need to be aware of larger trends like Clear Channel, Cablevision. We need to be aware of that. But also, if the road ends up being a bunch of canned music and a bunch of unseasoned actors, at some point theater will suffer and then bounce back. Let's hope it doesn't get to that point, but we need to go with the trends but keep an overview of what might come out of it. They did a fuel hike for taxi cabs in the 70's - that fuel hike which was temporary never went away. And then the next time there's a fuel hike, they say, "Well, we need to boost..." People forget it's even part of it. So we need to keep an overview of the past and the future.

I just want to say I think that "Equity News" ought to really feature some of these heroes, people who have taken the ethical stance. Those are the people who we should have profiles written up about. And stars who have said they won't go out. We need to start on a

positive thing, supporting people who have positive ethics and putting them out there as role models, so that people who don't make the big pay can turn around and say, "If Mary Wilson can lose X thousands a week doing that thing, maybe I need to stand up too." Or the dance captain...

FLORA: Well, it really started with Rip Taylor on ...*Forum*. I don't think Big League had ever had a contract with Equity.

MEMBER: I think that would be a really interesting feature to have in "Equity News" - keep putting those role models up there for us.

KEN: Well, John also raised an excellent point, which is identifying to the public somehow what is an Equity show, and what isn't an Equity show. Equity has started to be kind of aggressive about it in terms of what's called "branding" - branding the Equity name. Now when we talk to the League and other producers when they want things from us, we say, "Alright, we want you to identify this as an Equity production." Clear Channel had sent out CD-ROMS a year or two ago to their local presenters, and we made them put on a logo as to what were the Equity productions. They asked for certain concessions about a commercial that the local presenters were going to do. We made them put on the CD that they were seeing Broadway material from Broadway. I think once you educate the public about what it means to see a show filled with professionals - whether or not on another level they can really tell the difference - they will still want the real thing, because people pride themselves. If they're paying a lot of money, they want to make sure they're getting their money's worth. And I think they'll feel better about it. But it's our job... It's a very difficult task to start branding, and it's going to take years. But we're doing it - we're starting that process now - and I'm just glad that John raised it, because that is a big focus.

FLORA: *Some Like It Hot* agreed to brand all of their paid advertising, window cards, anything they're creating, with a logo certifying that it is a union tour. And that was a big achievement, because other producers we have not been as successful with. But Mr. Martini understands the importance of that issue and is willing to put himself out there as the first one who's agreed to do it - branding all the stuff, "This is a union tour."

KEN: But not only does Martini...he's an important guy but he's a small guy, but Clear Channel... He only does 1 or 2 shows. But Clear Channel, which is the monster out there, the 800 pound gorilla - they are starting to accept the concept. Even though within their organization they do non-Equity, they also realize that they're not going to get things from us that they want unless they start distinguishing us.

MEMBER: I saw Carol make a note on Zoya's suggestion. We should put Rich Martini on that list of not only members

but...for those of you who don't know, Rich Martini is a producer; he sat on the other side of the table with us for many, many years until he finally left the League because he did not agree with the things that were going on. He's an independent producer. When Flora said that *Some Like It Hot* wouldn't have happened if we hadn't come to an agreement, that's not only because Tony Curtis wouldn't go out without an Equity contract; Rich Martini will not produce non-Equity. So he's one of the... Clear Channel is definitely following the path, but we still have to play them as the bad guy...

KEN: Absolutely.

MEMBER: But I think when you report to the "Equity News" committee about this idea, we should make sure that they take into consideration people like a producer who understands what branding can do for all of us.

KEN: Good idea.

MEMBER: Just adding on to that - I always make sure that my friends out in the country, and my sister, who's in Eugene, Oregon... I let them know when non-Equity tours are coming in. And my friend in Charlotte returned his ticket for *Music Man* because he didn't know. Now he knows what to look for. My sister, who is an Equity member, wrote a letter to... She's also a director in Eugene, and has kind of a name there; she wrote a letter to the editor saying, "Are you aware that there are non-union shows coming in?" - and it was published. As much as we can get out there and tell our families, our friends - that's the other end to come from: making sure that as many people will return their tickets or acknowledge this is what's going on. And it has had an effect in my little microcosm.

MEMBER: For about 3 years I worked in Lake Tahoe at Harrah's, doing corporate musicals, and one day the President of AFM out of Reno came down to Lake Tahoe to inquire from me how did Equity get to be such a strong union. That work for musicians is drying up faster in many parts of the country than it is for actors and stage crew. It's an interesting trend.

CAROL: I need to raise a topic with you all, which has to do with Worker's Compensation. We discovered that there's really an enormous problem - that our members don't understand their rights when they're injured on the job. They don't understand the Worker's Compensation process, the forms that have to be filled out. They don't understand that Equity has supplemental Worker's Compensation insurance, and you are once again the front line in that. And so we somehow have to make sure that you, the stage managers, fully understand what performers have to do when they're injured. And I don't know the best way to get that... Yes? You're going to tell me?

MEMBER: I'm opening up another can of worms. I actually find the opposite to be true. I have encountered numerous actors who will

get a little "Worker's Comp happy" in order to keep their appointment with their massage therapist.

CAROL: Of course. But probably...

MEMBER: I found, on a number of shows that I've worked on, that they come to me and they go, "Oh, I just pulled my back, I need a C2." It's the opposite...

CAROL: But there are a lot of actors who don't even know what a C2 is. Most actors, and probably most stage managers, don't realize that you also have to file something called a C3 if you really have an injury and there's any chance that you're actually going to have a case which will require medical care and/or lost time. A C3 is what the injured person files with the State Worker's Comp Board to open a case at the Worker's Comp Board, and if the insurance company that covers your producer's Worker's Comp denies the claim for any reason and you haven't filed that C3, you're already in trouble. You've got delays, you've got problems getting information. And there are good insurance companies and there are bad insurance companies. There are insurance companies that simply deny as many claims as they can deny on whatever basis they can, and there are a couple of insurance companies that some producers use who are wonderful about walking performers through the process and getting all of the help that those performers need to get rehabbed, to get back into the shows. But it's really important that any injured actor understand that they should call Equity when they get injured, especially if there's going to be any lost time, even a day. I know that there are some stage managers who have told actors, "If you're not going to miss at least a week of work, you don't qualify for Worker's Comp." Well...

MEMBER: That's true. That part is true.

CAROL: That may be true - you may not qualify right now for Worker's Comp lost time compensation, but you absolutely qualify for medical Worker's Comp, and you do qualify for Equity Supplemental Worker's Comp insurance, which will pay you for that time. So it's extremely important that people call Equity and file the right forms, even if there's only a short period of lost time, or even if there's an injury and the actor thinks, "Well, I don't really have to miss work." But a week later, or a month later they realize, "It's getting aggravated again; it really didn't go away; I really have to do something about it." And then they start losing work. And then, if the proper forms weren't done initially, they have to go back and prove the current injury is related to the accident that happened a month ago. So it's really extremely important that an accident form is filled out, and that these forms be filed. We are in the process of trying to get these forms on our website. We'll get links - all of these forms are available directly from the Worker's Compensation board website,

and we're going to try to get a link on our website to that website and make it really easy for all of you. We're also redesigning...there was a bullet point fact sheet about Worker's Comp that was sent out to a lot of stage managers - all the Broadway shows, I know, some off-Broadway shows, I don't know whether people have seen it or know what it looks like, but we're revamping it, trying to make it even more clear.

MEMBER: As many of you know, I'm going into my 12th season at a major LORT theater as a resident stage manager. This is such a hot issue. I find myself on both sides of the fence. Yes, I'm Equity, but there's a part of me that understands my management very well. There's a very good relationship there, and I can catch those actors who are doing what you said about getting a little more of their physical therapy. I can pick up on it in a second. The problem we've been having is we do so many co-productions, and there might be a production out of Seattle Rep where the actors have been working for 11 weeks and then they come to us for an additional 4 and we get bombarded with all these Worker's Comp things that they didn't do anything about on the first leg of the journey, and we're getting nailed with it on the second leg of the journey.

The other problem I recently had was an actor who was complaining to us that he wasn't getting the support of management for his Worker's Comp. But then, when management went to the actor to try to resolve the problem, he was saying he was fine. Actors have to take responsibility for their health. The stage managers on the show were put in a very bad position, because we were trying to help the actor and we were on the actor's side in this issue. Yes, he definitely should have gotten Worker's Comp, but he was doing nothing to help his cause.

CAROL: Part of that is the fear of being branded an injured actor and you're never going to work again. That's a problem.

MEMBER: But on co productions...

CAROL: I've just taken a note on that.

MEMBER: It happens quite a bit, because we only run our shows for 3 weeks and the theater that we do co-pros with run their shows for 6, 7. If we start it, it's fine - then we just send them ours. But if they start it, they're out in Seattle rehearsing for 4 weeks, running the show for 6 weeks...

RICH: Can anybody here talk about the LORT negotiations and what we ended up with there? It's probably incomplete as well.

CAROL: That is also incomplete.

RICH: In particular...

MEMBER: There was a survey that went out before the negotiations, regarding ASM's and PA's. I was wondering if anything had been resolved.

RICH: And if we could also cover the LORT Broadway and LORT off-Broadway negotiations...

CAROL: Okay. On the PA/ASM issue, we went into negotiations proposing better manning...staffing, for the stage management staff. We achieved very, very little - I don't have it in front of me. It's been several months since the negotiations. It is not ratified yet. We did achieve some very minimal things I think in the C and D categories...

MEMBER: You got ASM's on for 2 days of prep - that's huge. ASM's have to be put on for 2 prep days prior to rehearsal, instead of just walking in on the first rehearsal.

MEMBER: Tech week bump up ...

CAROL: I've been through four negotiations since January, I can't keep them straight without them in front of me. The LORT on Broadway issue is one of the things we're still finalizing, but I can tell you that Roundabout, Lincoln Center and Manhattan Theatre Club when it moves into the Biltmore will be on contracts that pay higher salaries than the standard LORT A contract. And there are a few other things that we're negotiating with those 3 theaters different from the standard LORT contract. But they will still be operating on the LORT contract. There's probably going to be a provision for a bump up when they exceed their subscription series or if they start in a Broadway house that's not their home base house. But we are still finalizing the negotiations with those 3 theaters. We're making great progress. It's huge - that was our priority issue coming in to those negotiations.

RICH: Thanks, Carol.

MEMBER: Sorry, this is my hot topic. The last time LORT was renegotiated, I remember getting something that said "Language not finalized." But I got an outline from Equity, and I didn't get it the last...this was 2 times ago, I didn't get it the last time. And I know that I and my coworkers got our theater into overtime. It had to do with costume fittings during a straight 6. Because the whole thing was being negotiated, we didn't know about the new rules, and then we got banged with all this retroactive stuff. But had we known what was in the works, we could have troubleshot.

CAROL: Right. We certainly are intending to put something out there.

MEMBER: Well, this last ratification, this last round of negotiations in the past couple of months, my general manager...we had a great relationship, so the second the letter comes in from...is it Harry Weintraub?

CAROL: Yeah. But it has not been ratified.

MEMBER: It hasn't been ratified, but at least I'm aware of what's coming down the pike so...I mean yes, I'm on management side here, but I'm making sure that I don't schedule something that's going to cost the theater overtime, because they're going to have to pay retroactively. At least I can have my antennas up. So I've been missing that the last two times that LORT has gone through negotiations.

CAROL: I remember one other thing that

we got for LORT stage managers, which is: when you can do the 6 hour day that replaces the standard 7 or 8 hour day, we now have the breaks set up so that there will be at least one 20 minute break during that time. The intention was to allow the stage managers to have one break that was long enough that you could actually inhale some yogurt or have a sandwich or whatever. It's a small thing, but I know it's a problem, because for the stage managers, that's 8 hours straight with no break.

MEMBER: Exactly. Along those lines, maybe somebody, anybody can answer this: we have contracts that for the actors limit your amount of time to 5 hour spans. How do you deal with that as a stage manager when you have to be there early, expect to be set up, you stay late to do all your paper work and stuff, and yet you have no way of getting the overtime that you're actually due.

FLORA: No, this came up actually prior to the Production contract negotiations, when we were meeting with the Broadway stage managers. One of them, who shall remain nameless, said, "Well, there's no way that I can get any overtime." Well, there's no way you can get any overtime unless you put in for it. Whenever an actor is entitled to overtime, the stage manager is entitled to overtime; and if you are caused to go into overtime because of work you have to do around an actor's rehearsal schedule, you have to put in for it. I know it's hard, but if every stage manager in every theater in every show would put in for their overtime, it would be a little different.

I'll give you an example, something where actually a group of stage managers stood up for something. They weren't getting their 2/6 - a show on the road - they were getting their 2/6 for the 7th day. We figured out a way that I could "discover" that without them telling me. And not only did they get their retro, but a 4th stage manager was added to the show so that they would all have days off rather than going weeks and weeks without a day off.

So I beg you to go to your business rep if you believe that you have incurred some overtime or you're outside what the contract allows, and if there is a way to do it without putting you out there, we'll do it. If there's not, then perhaps it's time for all of you all to work together to encourage each other that if every one of you stands up for it every time, then they won't get rid of you and hire you because you're not going to ask for it because they know if they get rid of you and hire you [someone else], you're going to ask for it too.

CAROL: Part of the problem in LORT is that the PA's really are functioning as assistant stage managers, but they're not Equity, so you can't leave the rehearsal with just a PA running the show because they're not Equity. And if there were proper staffing, then you could leave for an hour, because there would be an Equity ASM covering it. And we have tried

and tried and tried to make that point, and maybe we just need some brainstorming with a group like this. At this point, LORT is done for this time around, but before the next time, we have got to find a way to break that PA thing.

MEMBER: What is Equity's stand on the difference between a stage manager or production stage manager or an ASM?

CAROL: Well, contractually we do not recognize the term production stage manager. There is a stage manager, and there is an assistant stage manager. The stage manager is the person who is ultimately in charge and assigns jobs to assistant stage managers.

Hopefully they kind of work it out in advance what the function of the assistant stage manager will be. The assistant stage manager can be the person who is the only Equity stage manager staff in the rehearsal hall.

MEMBER: Because on my current two shows - I'm the ASM - the stage manager and I have worked out a schedule where each of us have to come in for 4 shows a week. Being that we don't need 2 people in the theater at a time, we can't... it's pointless to have 2 stage managers on a rep show, the 2 rep shows that we're doing. There's not room for 2 stage managers in the theater that we're working at. So we worked out the week. But I'm doing therefore the stage manager's job, and I was wondering ...

CAROL: (OVERLAP) Well, that's a situation where I've got to say you're only working half a week. The theater shouldn't... if there really is a situation where the assistant stage manager has to bump up and take over the stage manager's duties because the stage manager either is out sick, out on vacation or off doing some other show, then there should be a bump up. But I don't know, without having the rulebooks in front of me - there are some rulebooks that actually provide for that and others that don't specifically provide for that.

FLORA: And actually we lost an arbitration to LORT several years ago that in fact the ASM didn't have to be on the premises to be the ASM required for the show, so LORT is its own animal when it comes to stage manager and assistant stage manager in production. There's a bump up if the stage manager is out of the building. And out of the building can mean over at the general manager's office having a meeting during the matinee, and there should be a bump up for the other stage managers there. Now we all know that people aren't putting in for those, but they should be. But yeah, LORT is its own animal when it comes to SM/ASM and the business rep might be able to...

MEMBER: Right. Well, it's too late now.

FLORA: But for the future, you should know, if there's some quirk in it that you've missed that might make it easier on...make it more clear next time.

MEMBER: How many rulebooks does Equity have? (LAUGHTER)

KEN: I had to analyze all the conversion and subsidiary rights in all of our contracts, so I asked my assistant, "Well get me the contracts." I thought I'd get 25, 27...49! 49 agreements!

CAROL: That includes special agreements. There are about something like 11 or 12 national collectively bargained agreements and then there are regional collectively bargained agreements like off-Broadway, CAT [Chicago Area Theaters], Walt Disney World, those kinds of things, the WCLO. And then there are promulgated agreements.

KEN: Ones that we create without a partner - we just issue them.

FLORA: Such as the small professional theater [SPT] contract.

KEN: Special production.

FLORA: Special production contract, the cabaret contract, the live corporate communications contract. So then there are all the letters of agreement referenced to all of these contracts. And then there are the special agreements like...oh for instance the *Blues Clues* and *Scooby Doo* contracts...

(LAUGHTER)
One of the things at the plenary the council had last October, one of the areas that we want to investigate that has come up again and again but we've never really gone very far with, is these urban Broadway series. The one that everyone always uses as an example is *Mama, I Want To Sing*. Melba Moore went out on one of these a few years ago, non-Equity, and eventually came back to the fold of the union. And Stephanie Mills just did one.

MEMBER: They play the Beacon [Theater] a lot.

FLORA: Clear Channel is now running this series, and what I'm asking for is information. Please send out those e-mails that we know you all can send and forward to many people, anyone who has any information about how these operate, how they're operating now, has any contacts who perhaps are working on them in any area, whether it's technical, artistic, production supervision, who has dealt with them, who has contacts within the company that they're willing to share with us anonymously if it must be. We believe that these are opportunities for our minority members that are getting lost. There was a period a few years ago, it's still somewhat true as we see with Stephanie Mills, some of our minority members who feel that they don't have enough opportunities within the union are scabbing to do this work, and it's hard to tell them, "Well, all the shows that are of the genre, are non-union, but you shouldn't go do that work." So we want to try to create contracts for those. They're in their own kind of financial world because of the venues they play, the ticket prices they charge, the audiences they're trying to reach. But we feel

that this is an opportunity that we're missing and the council gave a directive to the staff to pursue this and this is a plea for information from you to reach out to your colleagues and see what you can help us find out.

CAROL: However, we also are thrilled to announce that we actually have a contract for *Harlem Song* at the Apollo Theater.

(APPLAUSE)

RICH: Flora, if you could put that into an e-mail to me, I'll get it out to 320 members.

FLORA: Great, thank you very much.

JOHN: I just want to thank the panel for coming and listening to us. (LENGTHY APPLAUSE)

CAROL: Thank you for inviting us. It's always one of the more stimulating discussions (LAUGHTER) I really look forward to it.

RICH: Thank you so very, very much. What a wonderful meeting, what a way to end the season. (APPLAUSE)

[The final few minutes of the meeting consisted of the announcement of the election results, which is transcribed at the end of the Business Meeting minutes.]

