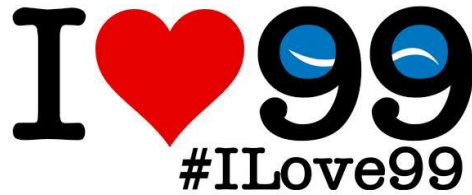


Save
LA's
intimate
theatre



STOP, STUDY, STRATEGIZE

STOP the advisory referendum
So we can **STUDY** all factual data and finally
STRATEGIZE a workable plan that will benefit all artists.

The LA 99-Seat Theatre Plan: Fact or Fiction

Last week, AEA put out responses based on discussions about the proposal on social media. The following are their “Fictions” and their “Facts.” AEA Actors (#PRO99) who are against our own union’s sweeping changes have offered up a rebuttal:

1) Equity didn’t listen to its members.

AEA: “Equity did listen to its members, who overwhelmingly said in surveys and focus groups that they wanted more paid contract work in Los Angeles. The minimum wage that Equity is proposing in the new LA 99 Seat Theatre Agreement represents the first – and lowest tier – any theatre should be permitted to pay.”

PRO99 AEA Actors: Yes, we don’t know anyone who wouldn’t answer yes to would you like more paid work – we would all like to be paid more – those of us who have some say in it would like to pay more. For 26 or so years Equity has permitted its members to volunteer in small theatres without jeopardizing union status – because those members wanted to pursue their art and craft and because there was little to no opportunity to do so anywhere else.

Now AEA is telling its own members – those who already belong to existing membership theatre companies that those members can continue to do so – but no one else can.

Now AEA says they want to go immediately to a minimum wage contract for everyone else including actors who work in small institutions with great artistic integrity like The Fountain.

The intimate theatre community – the art houses of theatre – have been a very

good thing for the members who asked for them and use them – why is this right being taken away now?

When we look at other cities where such changes have happened, we find theatre as an art and part of a larger community has been damaged and there has been little or no new opportunities created for members.

And as an aside, why do so many of the available Equity contracts in Los Angeles go to people who do not live here? What is Equity doing to help locals get those jobs?

More From AEA:

“Equity’s leadership spent months listening to the opinions of the members living in Los Angeles in a variety of ways: focus groups and a survey conducted by one of the most respected polling organizations in the country; a town hall meeting; telephone banks; and numerous visits by both its elected and staff leadership to Los Angeles for the purpose of hearing what the members had to say. The resulting proposals were unanimously approved by its national Council, elected by its 50,000 members throughout the country. (See the Los Angeles Theatre Survey.)“

PRO99 AEA Actors: At the town hall, Membership was overwhelmingly in favor of keeping the plan but making improvements – what is being offered does not do that – it – using AEA’s own words: “And further, make a substantial change to the Los Angeles 99-Seat Theatre Plan which will eliminate the availability of the Plan...”

2) Equity is trying to prevent its members from pursuing voluntary artistic opportunities.

AEA: “Equity recognizes that these opportunities are important to its members and many of those members who have worked in 99 Seat Theatre have expressed some degree of satisfaction with it. We have developed a multi-prong approach to be responsive to that while also being responsive to the fact that our members want better wages and contracts.”

PRO99 AEA Actors: Only those people who have already been working in under 99 seat membership companies can continue to volunteer and that will be without any of the protections the 99 seat plan enforced. The Self-Produced option is expensive and problematic: members can self-produce but they can’t solicit tax deductible donations to help pay for it *and* they can’t organize into a

corporate structure to insure they have some liability protections – and – you all do know what it costs to rent a theatre, don't you?

3) Equity wants a one-size-fits-all approach to 99 Seat Theatre in Los Angeles.

AEA: “Equity has developed three separate paths for its members to work in theatres with 99 seats or fewer that took into account the different situations in which this work occurs. Further, the LA 99 Seat Agreement is a starting point for those producers who want to use it.”

PRO99 AEA Actors: Being required to pay minimum wage after 26 years of a different system is not a starting place for those not-for-profit entities who have become beloved and integral to the community.

Consider a theatre company with 99 seats or less. For one production with 6-8 characters rehearsing 8 weeks, we estimate that the theatre company would pay \$20,000 - \$28,000 for the actors (200 hours rehearsal + 30 performances + worker's comp, etc.). If the company presents 6 productions a year, this totals \$150,000- \$168,000.

This money is not available – and if you wanted to produce Shakespeare it could cost you even more for one production. Change may be necessary and needed but this proposal isn't the change needed.

4) The requirement to pay minimum wage to Equity members working on the LA 99 Seat Theatre Agreement will be the death of small not-for-profit theatre in LA.

AEA: “Paying artists who work for theatres the minimum wage will not destroy small theatre in LA. Many of the same theatres making this claim now made similar claims almost 30 years ago when the current 99 Seat Plan then mandated stipends of \$5.00 - \$14.00 per show. Not only didn't small theatre in LA collapse, it has thrived.”

PRO99 AEA Actors: There is a huge difference between minimum wage and a stipend. Minimum wage would have a huge financial impact in an already strapped economy, making productions impossible. The purpose of the 99 seat plan was to allow veteran actors an opportunity to follow their dreams; to pursue what they could not find elsewhere. This change turns the whole community upside down. Yes, we would like to be paid more but not at the cost of our opportunity to make art.

AEA: “In addition to revenue from ticket sales, many of these theatres also receive grant money and donations, and many have sizable budgets that enable them to pay other personnel – except the actors. Producers are creative and resourceful individuals who will find a way to pay the actors minimum wage.”

PRO99 AEA Actors: This is not a heavily endowed community with massive arts funding like New York or Philadelphia. California is one of the least funded arts communities in the country. The City and County governments are not going to be able to help make up the difference and there is insufficient foundation and corporate funding at the present time. Most of the entertainment industry funding that goes to theatre goes to NY theatre. How can we change that? We can perhaps educate the community in time – and funding is slowly, very slowly, increasing but if we institute a massive and immediate change the results will be what they always are when there is massive and instantaneous change- catastrophe

5) The Los Angeles Membership Company rule would make it impossible for existing Equity members in these companies to continue working.

AEA: “Equity members who are currently members in an existing membership company would be permitted to continue working without benefit of a contract by a new membership rule enabling them to do so. In addition, under this membership rule, any Equity members who join membership companies prior to April 1, 2015 will also be permitted to work without benefit of a contract.”

PRO99 AEA Actors: How long will this exclusion last – why do some people get to continue to work as volunteers – to choose to do this – and other are forbidden? Why shouldn't an Equity member in good standing be able to join a company after this date? What happens to long standing members of these companies who are not Equity if they have an opportunity to become union members?

6) Membership in these member companies will be “frozen” after April 1, 2015, which will lead to an aging company only able to appear in certain shows, ultimately ending in the demise of membership companies.

AEA: “Membership companies will be permitted to take on new members after April 1, 2015, but any new members who belong to Equity and wish to perform will only be allowed to work if they are on an appropriate Equity contract.”

PRO99 AEA Actors: Freezing voluntary membership to those who have

participated or join before April 1st creates separate and unequal classes of Union members – those people who would like to work without benefit of contract who cannot are not afforded the same rights as those members who can.

7) This requirement – that Equity members joining membership companies after April 1, 2015 may only work with benefit of a contract for minimum wage –will disadvantage actors of color wanting to join these companies.

AEA: “Actors of color should have been permitted to join these membership companies at any time and the presumption is that these companies have been welcoming actors of color for decades. It is expected that membership companies will not deny membership to actors of color who are Equity members simply because they will have to be offered an Equity contract and paid at least minimum wage.”

PRO99 AEA Actors: There is less opportunity in general for these actors and in recent years there has been considerable activity in this community and a number of new playwrights writing new stories. Answering this fact/fiction or the one above with yes they can join but they just have to be paid denies the actors the right to choose to volunteer - a right that other actors are getting.

8) Equity’s national office in New York is thrusting these new proposals upon the LA theatre community without taking the opinions of those people into account.

AEA: “A labor union’s role is to negotiate contracts that ensure its members don’t work for less than their value. While the typical union response would be that no member working in theatre in Los Angeles should be working without a contract, Equity has heard its members talk about the special situations that exist in Los Angeles and has attempted to be responsive.”

PRO99 AEA Actors: The response at the open meeting was to keep the plan without destroying it. Producers have never been against paying actors. There is just not enough money in a 99 seat theatre to recoup costs. This is an all or nothing approach that will be catastrophic – theatres that do 4 or 5 plays a season will need to find \$100,000 - \$150,000 or more in new funding at once. Many Theatres have already announced their seasons and have incurred expenses. With this new plan, these theatres will be unable to continue with their seasons thus incurring new expense. Theatres who have long term leases will fail and this in turn will create financial havoc in the community.

Furthermore, AEA's survey was slanted in favor of what Equity wants to do – without informing actors of the reasons why the survey was being conducted, or the consequences. Who wouldn't vote yes when asked only: "would you like to make more money?"

9) Equity isn't following the out of court settlement agreement from 1988 that mandates the process for making changes to the settlement agreement.

AEA: "Equity is following all elements of the settlement agreement's required process and intends to continue doing so. Equity has already reached out to the 99 Seat Review Committee and offered dates for meetings. In addition, a membership meeting will be held and a referendum will be conducted prior to the Council making its final determination on April 21, 2015."

PRO99 AEA Actors: The intention of the court case was to prevent Equity from making decisions that directly affect this community without the community's permission. The letter of the law may be being followed but what was intended was to prevent this from happening again.

10) Producing organizations are going to have to give up their Federal Employer Identification Numbers (FEINs) in order to produce shows under the Los Angeles Self-Produced Project Code (LASPPC).

AEA: "The LASPPC is not meant to be used by existing companies that are incorporated or that have a 501(c)(3) status. Our new membership rule was created for members who are not affiliated with a producing organization and allows them to artistically collaborate. Under this code, members will be permitted to work without benefit of an Equity contract in theatres with 99 seats or fewer."

PRO99 AEA ACTORS: What is important for people contemplating self-producing is that you cannot associate with a 501c3 so you can't offer your supporters tax deductions for their contributions – you also can't create a corporate shield to indemnify yourself – you know – protect yourself from certain liabilities.

11) Equity is eliminating protections that exist for its members.

AEA: “The LASPCC would result from a new membership rule. It has several simple requirements for use and enables actors to create art in an environment that is mutually agreeable to all of the member participants. The presumption is that the members will decide under what conditions they want to collaborate. For Equity members working in membership companies, we expect those companies will continue to respect the rights of their member actors. Should an Equity member feel that the theatre is no longer working in their best interest, we want the member to let us know so that we can have a conversation with that theatre.”

“Since existing producing organizations can’t use the LASPPC, none of those organizations will be able to use Equity members in their productions”

PRO99 AEA ACTORS: We are not overly concerned here because we do think the community will police itself – and we hope the Producer’s League will help but Equity’s own wording for both self-produced and membership company productions is without benefit of contract.

AEA: “Existing producing organizations may use Equity members in their productions under the proposed LA 99 Seat Theatre Agreement, which would be negotiated between Equity and those producers who wish to use it. In addition, existing producing organizations that are membership companies may use Equity members who are members of the company prior to April 1, 2015 or by hiring them to an Equity contract.”

PRO99 AEA ACTORS: More than 26 years ago, Equity agreed to let its Los Angeles-based actors volunteer to work in under 99 seat theaters. This gave these actors something they craved - an opportunity to pursue their art and their craft in a world where such opportunities had become and are still very limited. Some extraordinary art has occurred – some actors’ careers got made – not because that was their intention – their intention was to do what they thought they were born to do as well as it could be done – but it still happened.

Some playwrights that absolutely would not have gotten an opportunity to have their voices heard have gotten that opportunity here.

This small theatre community was never meant to make money – it was a place where we could chase our dreams. It has evolved that way – warts and all. This

community is a family – large – sometimes dysfunctional – but very real.

This artistic community was never meant to be driven by finances - it is always been driven by the pursuit of art - now Equity wants to turn this community on its head. They say that this must be a business community first. It is the clash of two different cultures. Equity keeps talking about the producers. We keep saying *what producers?*

Equity has made similar changes in other cities and those changes have not created enough work to begin to justify the devastation it has caused.

Theatre is in trouble everywhere. We must find ways together – union, membership, theatre practitioners – to reverse this. The small arts theatre is the breeding ground.

“One Night in Miami...” which premiered here at a small arts theatre in 2013 has just become the largest grossing production in Baltimore Center Stage’s (a 541 seat theatre) history.

If the proposal is approved it will be an instantaneous and monumental change and I think we all know what happens when changes are instantaneous and monumental – catastrophe.

Please vote NO. Not because change isn’t necessary but because there are better ways to create our future and other better choices – because change should be nurturing when it can be. Let’s make the community and our union sit down and find a better way. **Vote NO – not to say you are against change – just *this* change.**

#PRO99 #LATHTR #ILove99