The Board of Governors, the National Officers and National Staff of AGMA extend to Members and Friends everywhere Warmest Greetings for the Holiday Season and Best Wishes for a New Year of Health, Peace and Prosperity.

Double Your Dollars for the AGMA Emergency Relief Fund

Dear Colleagues,

The Performance is Everything... What the audience sees is the wonderful illusion of perfection. What most people do not see are all the long hours of hard work, lessons, practice and struggle which are a part of the life of an artist.

For all of the beauty and sheer magic that the classical performing arts contribute, many of the artists who are striving for excellence are often struggling for sustenance. As you know, at the AGMA Emergency Relief Fund we see your fellow colleagues when they are out of their costumes and have shed their roles. Often, we are their only hope for immediate assistance in emergencies.

For almost 50 years, the AGMA Emergency Relief Fund has been helping members to overcome career-threatening crises on the path to success. Returning artists to the stage grows more complex each day. Cutbacks in corporate and foundation funding have occurred when the need for financial services has been the greatest. We must raise $200,000 just to keep our programs going for the coming year.

The Emergency Fund has obtained a challenge grant of $10,000 from Broadway Cares/Equity Fights AIDS in recognition of our continuing and extensive work in the field. With your help we can raise $10,000 or more in member contributions to qualify for additional monies from Broadway Cares/Equity Fights AIDS. Please use the enclosed envelope to double your contribution dollars and increase our total funding for 1992. Your contribution is fully tax deductible.

Be a Sponsor with your generous gift of $500 and help one artist with AIDS to receive homecare. Your Patron gift of $250 will provide essential living expenses for one month for a disabled artist. A Friend of the Fund gift of $100 will help a performer in emergency need. Whatever you can give will be graciously received, but please, increase your support to us in whatever way you can.

With great appreciation for your generosity,

Nedda Casei
Chairman
Working Abroad in the Entertainment Industry

By THOMAS JAMERSON

The General Accounting Office needs our help. AGMA, through the AFL-CIO - Department of Professional Employees, has been involved in the implementation of the new immigration law passed by Congress last year, effective last April, which strengthened the requirements of foreign artists who apply for visas to perform in the United States. Most importantly, it requires the Immigration and Naturalization Service to consult with the Labor Union of jurisdiction or, absent a union in the field, a group of peers, prior to the issuance of a temporary work visa. Since the passage of the law, Dorothy Kochiras, Executive Assistant, has devoted almost half of her time on these consultations.

One of the many things achieved in The Immigration law passed contains a requirement that the General Accounting Office (GAO) conduct a study of how other countries' laws and practices impact on American performers. Since the GAO researchers have very little knowledge of the entertainment industry, they have asked us for assistance. They would like to receive as much information as possible from the artists who have experienced the effects of the foreign laws and practices directly. They are asking us to furnish them with any negative experiences our artists may have had while working abroad. This could be anything from not being able to get a job because of a country's admission policy or something more indirect, such as quotas or other practices which place the American artist at a disadvantage in the competition for employment abroad. They also would like to know the experiences of those artists who were successful in getting work abroad but may have subsequently encountered discriminatory treatment (e.g., through customs, tax provisions, or other related tariffs), or of any American producer who may have attempted to book American artists abroad but who have been prevented from doing so because of barriers which other countries have erected. Please send any information you might have in care of AGMA's New York office, where it will be forwarded to the GAO directly.

Employee vs. Independent Contractor: Know the Facts

Beware of the opera house, dance company or concert presenter who asks you to agree that you are an "independent contractor" and not an employee, when rehearsing or performing.

That "employer" is not doing you a favor, and as a matter of fact, is taking a big risk.

Employers who misclassify employees as independent contracts (as a result of exercising too much control over independent contractors) expose themselves to payroll tax liability for the period of misclassification. This liability includes federal income withholding taxes, social security taxes and federal unemployment taxes. They are also subject to assessment of interest, penalties and potential benefits liabilities.

The fact (the Law), is that neither you, nor the company has the right to decide whether or not you are an independent contractor, and the further fact is that when performing for a company, you are its "employee".

AGMA agreements with employers provide for the employer recognizing and complying with federal and state laws concerning Workmen's Compensation, Unemployment Insurance, and the Social Security Act. When you are asked to "sign on" as an independent contractor, you sacrifice all the benefits and protection of those laws.

Lately, we have learned of companies asking an Artist to carry liability insurance at the Artist's personal expense, so that if you are injured on stage or in the rehearsal room, or there is a loss of your personal property because the company failed to provide adequate security, you cannot look to the company for reimbursement of expenses or recovery of property.

In an effort to avoid contributing to a Health Insurance Plan on your behalf, a company may again try to hide behind the fiction of Independent Contractor.

Don't be fooled! Call the National Office whenever you are asked to sign away significant rights by agreeing to perform as an independent contractor.

Honorable Withdrawal

If you are thinking of retiring or otherwise planning not to work under AGMA's jurisdiction for an extended period of time, you may apply to the Guild for an Honorable Withdrawal card and dues will no longer accrue.

Your basic dues ($39 semi-annually) continue to accrue unless you notify AGMA in writing that you wish to be placed on Honorable Withdrawal status. You must be paid-up at the time of such request.

Remember: This changeover is not automatic. It must be requested in writing.

While on Honorable Withdrawal, you are not an "Active Member" and may not take part in AGMA elections and you will not receive AGMA mailings, such as notices and AGMAzine.
AFL/CIO Health & Safety Conference

By MARILYN ARMSTRONG
New York-member, AGMA Board of Governors

Health and Safety workers are finding that we have greatly increased access to and utilization of data pertinent to health and safety matters. However, the implementation of this material has not always been so successful.

In the Washington, D.C. conference we focused on two issues - the current legislation in Congress strengthening the current OSHA (Occupational Health and Safety Association) laws and the practical implications in trying to apply and utilize these laws in the workplace. It was encouraging to note that the day following the conference a ruling came down regarding a chicken processing firm in which 25 people died due to a simple lack of safety regulations. The owner was indicted and will be put behind bars for a considerable length of time. This case sets a very good precedent that the laws can and will be enforced. It also demonstrates something else. We must apply and enforce these regulations before the tragedies occur, not after.

One of the most important factors in implementing health & safety regulations is the language in the contract. Seattle Opera is to be congratulated for placing specific language in its new contract. In order to address the necessary provisions, a health & safety committee should be appointed in each house to keep records on problems - smoke, stair specifications, raked stages, fireproofing, asbestos fire curtains (still in use in many houses), toxic chemicals, dangerous machinery or props, heights, fireworks, live ammunition, makeup, etc. After accumulating records of the areas of most concern, the committee with the help of the union can specify possible solutions, the need for these solutions, and the possible penalty structures. The language should specify that inspectors have the right to investigate and the committee has the right to call in outside enforcement. It should also contain the so-called “General Duty Clause” - every employer must provide a working place free from hazards which the employer knows can cause or do serious illness or injury.

When this language is in place it is far easier to utilize either your local OSHA office or your local COSH groups (AGMA has a list) to do an inspection if necessary or to give advice on implementation. Whenever OSHA is called to do an inspection, make very sure that you inform them that a union person must be there to do a “walk through” with them - and make sure that it is on a day when you are not dark. OSHA usually will not be interested unless there have been complaints from at least 20% of your shop membership. Educate your committee members on what to look for in an inspection and how to prepare for a walkthrough. One way is to get a copy of an OSHA standards book. You can obtain Material Safety Data Sheets on all toxic chemicals from OSHA or NIOSH (in Washington, D.C.) or your local COSH office. Your local COSH groups also should have information on common smoke and fog products. Remember that the listed safe quantities of any given toxin per cubic centimeter of air are set for average conditions, not a tightly enclosed space such as a trap area or a small backstage enclosure. The exposure can be far more severe if it is in a tightly enclosed area, even if it is only for a short period of time. For actors and singers the most preferred smoke product is cube ice. However, dancers find that it makes the floor damp and therefore dangerous. If you are having troubles in this area, you should contact your union for further information and support.

Because AGMA is a national union and many companies work under the National Agreement, we strongly recommend that the next national contract include language pertinent to health and safety issues. We in the arts have the disadvantage of having companies which come and go and perform in different areas, go on tour, etc. This requires language which can be implemented under a number of different circumstances.

Always work with a committee. This avoids personal conflict with management which can threaten an individual employee’s working status. Encourage your members to report situations even if they seem trivial. Make notes of symptoms, time out from work, doctors visits. Over time the committee can decipher a pattern which needs to be reviewed. Emphasize to management that observing health and safety standards will save them money by cutting absences and workmen’s comp cases.

OSHA has a rather strong penalty structure for non-compliance and these penalties are often reduced if a management agrees to utilize the funds owed in penalties to fund a health & safety committee and training courses in health and safety. (Amazingly enough, in some organizations committee members are paid for their efforts!)

(Continued on Page 4)
Discount Buying Service

We have enclosed a brochure we received from Consumer's Partner, a discount buying service, at the request of a member of the Board of Governors.

A special annual membership fee of $25 (versus the normal $99) is being made available to AGMA members, as well as a bonus of $25 in grocery coupons of your choice and a redeemable travel coupon valued at $25.

We cannot recommend or warrant this service, but believe it is something you may find of interest.

(Health & Safety Conference, from Page 3)

Always remember that an employee has the right to refuse to work in a situation which he perceives as dangerous. This is also where a committee can be useful in assessing the situation and offering solutions that are acceptable to both the employee and management. If your company is about to move to a new structure, your committee can get pertinent information regarding the structure BEFORE the lease is signed.

The legislation to strengthen OSHA is HR 3160 and S1622. OSHA reform will make our workplaces safer by giving workers a voice through safety and health committees, filling gaps in coverage so ALL workers are covered by the law, giving workers the right to training on key hazards, and strengthening protections for workers who face retaliation for raising issues of job hazards or refusing to do unsafe work. WRITE OR CALL your soon to be elected senators and reps regarding this pending legislation!

Report on Dance Negotiations

Pittsburgh Ballet Theatre's 3-year agreement maintains 38 work weeks, yearly increases of 3%, 4% & 4.5%. New benefits: Career Transition monies in 94/5 season; supplemental disability non-work related illness/injury/ pregnancy/childbirth; other improvements in benefits & working conditions.

November 4-6 kicked-off National Dance Basic negotiations in the Big Apple with artists representing companies including Pacific Northwest, Houston, Milwaukee, Pennsylvania and Cincinnati. Upon completing the National we will negotiate individual Letters of Modification for the New York-based companies: Alvin Ailey, Dance Theatre of Harlem, Merce Cunningham, Feld and Martha Graham.

January will mark commencement of negotiations with the San Francisco and Boston Ballet companies.

Kudos to Milwaukee Ballet for ending their third consecutive season with a balanced budget and a positive cash position; contributed income surpassed the budgeted goal by 4%, and the annual patron drive exceeded its target by 4%.

Actors' Work Program

By DOROTHY KOCHIRAS

The Actors' Work Program was created for members of the entertainment community to provide career counseling, job-training and tuition grants to entertainment professionals interested in exploring second careers or wishing to develop the necessary skills to secure meaningful interim employment while remaining active in their chosen profession. Eighty-seven AGMA members utilized the services of AWP in 1991/92, and tuition grants awarded to AGMA members totaled $21,665.

If you are a member in good standing and are interested in AWP services, contact:

Actors' Work Program
165 West 46th Street
New York NY 10036
Phone: (212) 840-3401

or at the new West Coast Office (space donated by AFTRA):

Actors' Work Program
6922 Hollywood Blvd., 7th floor
Hollywood, CA 90028
Phone: (213) 461-6133

Interested AGMA members who live in other areas of the country may contact Joan Lowell at the New York office. AWP conducts seminars and workshops in other locations when interest and need exist.

Actors' Work Program has created the Willard Swire Memorial Learning Center as a permanent memorial to recognize the personal commitment, care and guidance of Willard Swire, long associated with Actors' Equity and a Founding Director of AWP. Janet D. Swire, as a tribute to her late husband, has established The Willard Swire Memorial Fund/AWP to further support the Actors' Work Program. Should anyone wish to contribute, make your tax-deductible contribution payable to the Willard Swire Memorial Fund/AWP and send it to the AWP New York Office.

Career Transition for Dancers

When dancers begin to prepare for the time they can no longer dance, this fine organization provides a variety of counseling and workshop services, both direct and referral, all aimed at making the transition to another career an exciting process of personal growth. Success rate is very high: 116 dancers entered the program between 10/90 and 3/91, all free of charge.

Career Transition For Dancers, which shares office space with AGMA, is administered by former dancer Ann Barry. Elizabeth Campbell, Director of Client Services, conducts workshops nationally in addition to her one-on-one counseling. You can write or call for information and appointments at: Career Transition For Dancers, 1727 Broadway (55th St.), New York, NY 10019, Phone: (212) 581-7043.