



## Who's got you covered?

### Working Background in Theatrical and New Media Low Budget Productions

Rule 1. Everyone knows it. It's printed right on the back of your SAG-AFTRA card and is one of the most fundamental principles of unionism. In plain terms, a union member will not work or agree to work as a performer for a non-union producer. That's simple enough, right?

How about Rule 18? That one is probably not on the tip of your tongue. Rule 18 is the equivalent of Rule 1 for members when they work as Background Actors or Extra Performers. Unlike Rule 1, Rule 18 can be very confusing. Here is Rule 18:

Rule 18 states: **“No member shall perform services as a background or extra performer for any production without coverage of the applicable union agreement in the specific zones, as to minimum pay, benefits and working conditions.”** (Note: The term “extra” as it is used here means anyone working as a “Background Actor” in Television, Theatrical or New Media productions or as an “Extra Performer” in commercials.)

Rule 18 is complicated because SAG-AFTRA has limited jurisdiction over background work. The number of covered background jobs depends on the type of production and the shooting location. This means that even though a production is signed to a SAG-AFTRA agreement, some or all of the background actors working on that production on any given day might or might not be covered by the Agreement.

### ***What?????***

Exactly! And if that is not confusing enough, imagine sifting through casting notices that list a project as SAG-AFTRA, but do not specify which SAG-AFTRA agreement is applicable to the project. Because of misleading casting notices and unscrupulous casting directors, SAG-AFTRA members who do background work can find themselves in the awkward position of accepting work that could put them in violation of Rule 18.

### ***Where is background work covered?***

SAG-AFTRA coverage of background actors is limited to certain geographic locations. As a general reference, background actors are covered within a 75-mile radius from Los Angeles ([click here for map](#)), within a 25-mile radius from San Francisco and Sacramento and within a 300-mile radius from New York City ([click here for map](#)). Additionally, background actors are covered within the cities of San Diego, Las Vegas, Hawaii, Boston as well as Washington D.C. If the production is shooting outside these

zones, you may accept non-covered background employment on SAG-AFTRA signatory projects only.

### ***Which contracts cover background actors?***

Most SAG-AFTRA agreements have some coverage of background actors in certain geographical locations. The Background Actors Department gets the most questions about the low-budget theatrical and new media agreements. These are the Low Budget, Modified Low Budget, Ultra-Low Budget, Short Film and Student Film Agreements.

### ***What is the Background Actor Incentive?***

Generally, Modified Low Budget Film Agreements are not required to employ SAG-AFTRA covered background actors, unless they are participating in the Background Actor Incentive. If a production utilizes this incentive, they must cover an average of three (3) background actors per day. If you are offered work under a Modified Low Budget Film Agreement, please make sure that they are using the Background Actor Incentive before accepting work.

### ***When can I do background work in those projects?***

In the background actor zones, you can accept work within the numbers on the New Media and Theatrical Low Budget Agreements and, if the producer is using the Background Actor Incentive, the Theatrical Modified Low Budget Agreement. If the production is shooting outside the zones, you may accept a non-union position on SAG-AFTRA signatory projects only.

### ***What if I am paid the SAG-AFTRA minimum rate – doesn't Rule 18 say that is okay?***

Clever of you to notice! It also says "benefits and working conditions." If you can negotiate SAG-AFTRA coverage, which would include the minimum rate (currently \$162/8), pension and health contributions and all working conditions of the Basic Agreement, then yes! And more power to you! A word of caution – be sure to get this in writing.

### ***Why do they post jobs on the online casting sites as "SAG-AFTRA" if they are not? Aren't there rules about that?***

When the producer lists a production with one of these services, they can only show the union status of the production – not the union status of each position. So the heading might say "SAG-AFTRA" even if the role is non-union background. SAG-

AFTRA does not have a contractual relationship with the online casting services. However, we are working with them to try and resolve this issue.

***How can I tell from an online casting notice if the background jobs are covered?***

The first red flag is the rate! If you see \$60/8, that is not a covered position. Neither is, “screen credit and a copy of the film.” And sometimes “non-union” will actually be noted in the description of the role.

***I’ve heard about casting agents sending someone out on one of these jobs.***

Yes, we’ve heard that, too. Shame on them! This puts our members in a very awkward position when they get to set. They certainly don’t want to violate the constitution, but they are concerned about looking bad to the person who gets them work.

***How can I make sure that doesn’t happen to me?***

There are several things you can do. Always tell your casting company up front that you will not do non-union work and ask that they not even consider you for such roles. Ask before accepting a job, “Is this a union position – am I covered by a union contract?”

***A friend of mine is making a short film on a shoestring budget. He has asked me to help out by doing some background work. I want to help my friend – isn’t there something I can do?***

In the Short Film Agreement, salaries are deferred for Principal Performers. In the Ultra- Low Budget Agreement, Principals get \$125/day. Ask your friend to put you on a Principal contract.

***How can I get more information on the Low Budget Agreements?***

Check out the SAGindie website at [sagindie.org](http://sagindie.org). SAGindie is the liaison between the union and producers who don’t have big studio support. You will find much helpful information, including copies of the agreements discussed in this article. And you can always call the Background Actors Department at (323) 549-6811 in Los Angeles or the Theatrical Department in New York at (212) 827-1553 with questions.

***Are there any other agreements I should know about?***

Good question! SAG-AFTRA has agreements to cover any type of performance by a performer or background actor in front of a camera for any type of motion picture. And yes, that includes music videos! It also includes programs made for the internet, streaming, cell phones, iPods, interactive games and any other device you can think of.

In this day and age, everyone is a producer. If you are at all in doubt as to whether work is covered, call SAG-AFTRA! We've got you covered.