

The Fall of the Twin Tiers

In case you were still suffering from the delusion that you had elected an intelligent, responsible President, well-versed in the rules and traditions of our noble Association, let me put you wise. Sorry, I'm just the Bozo-in-Chief on this bus. A case in point: shortly after I was elected, a reputable NYC director (not realizing that my yearly salary from AEA, like that of my fellow officers and councilors, is in round numbers, zero) called me up to ascertain if I was still acting. If so, he had a job offer for me: to play Lady Bracknell in a production of The Importance of Being Earnest. Well, I love being offered a job; I love Earnest; I hadn't worn a dress onstage since my turn in Angry Housewives (arguably the worst Off-Broadway show of the 1980's); and yes I said yes I will yes.

The producing organization was a brand-new theater an hour southeast of Buffalo called the Twin Tiers Theater Festival in Olean, NY. AEA staff told me it was operating under the "Buffalo Rochester Special Agreement" and that I might well be the only Equity actor in the show. I had some reservations about being the sole professional frog in the non-Equity pond, but my concerns were allayed when I heard the names of several other reputable AEA actors who had been cast. At the sub-unemployment salary, it would clearly not be a moneymaking job but rather (in the words my poker buddies use to describe an unprofitable night of cards) "fun with my friends."

The day before rehearsals were to start, an e-mail -- with a "Performer Contract" on TTTF letterhead as an attachment -- arrived explaining that they'd just gotten the cast

list and that Equity contracts would be forthcoming in a couple days. I had some quibbles with this unsigned attachment (no health contribution?!), so I treated it as a deal memo and told AEA staff to work on getting us all health weeks.

A couple days into rehearsal the producer – who was also the set designer -- drove down to bring checks to AEA and stopped off at rehearsal to show us set drawings (sort of) before heading over to pick up contracts at AEA. Oops, he didn't have the right sums or the right sort of checks, so he wasn't able to get the contracts.

After some (arguably unintentional) missteps by the producer, our stage manager was finally able to pick up contracts from Equity, which our producer wanted us to sign and overnight to him for his signature. Well, there were significant discrepancies between the contracts and the “deal memo” – though still no health contribution, which began to seem unattainable given the increasingly apparent fly-by-night nature of this theater – and Equity insists the producer sign first, so I didn't accede to this plan.

Then, due supposedly to the “misunderstanding” with Equity, the first week's paychecks were delayed. When they did arrive, they were for the wrong sum and no taxes, etc. had been taken out. (Mine was actually unsigned!) Rather than wait for corrected checks, some cast members deposited these checks. They started to bounce. We heard that the cast of Into the Woods, the show rehearsing up in Olean, was having similar difficulties. It became clear that our contractual and payment problems were not inadvertent and anomalous glitches but a pattern that, as Eastern Regional Director Rick Berg told me, betrayed the classic signs of a theater going under.

As I write, the situation is still evolving. The theater has cancelled the rest of its season; and the town fathers – who had hoped the theater would be an engine of economic recovery and still hope it can be revived for next summer – are striving to raise enough money to pay off the theater’s debts. Misfeasant producers and actors not being paid for rehearsals are reminiscent of the issues that drove professional actors to band together in “the Equity” almost one hundred years ago. Although “Special Agreements” provide fewer protections and benefits than more standard contracts, even these protections disappear if you haven’t signed a contract. Also, Equity can’t help you if it doesn’t know you’re working. AEA gets many inquiries about the possibility of using Equity actors and usually the first inkling AEA has that an agreement is being used is when a contract is actually filed. So take a tip from your Bozo-in-Chief, make sure you have a signed contract by the first day of rehearsal; if not, give a call to Equity.