

**Proposed Amendments to Screen Credits Manual
Summary of Proposed Amendments
October 8, 2018**

Screen Credits Manual

Preface

- ✓ New language stresses the importance of the credit determination process, the writer's need to be informed of how the process works, and encourages writers to ask questions.
- ✓ New language replaces the word "Minimum" in "Minimum Basic Agreement" with "Theatrical and Television" and notes that the agreement is also known as the MBA and will be referred to as such throughout the revised manual.
- ✓ New language identifies internal Guild rules and procedure and legal precedent interpreting the MBA as additional bases for the rules in the SCM.
- ✓ Added language refers the reader to the WGAW and WGAE websites and the *Credits Survival Guide* online for more information regarding the credit process.

I. Working Procedures

A. DEFINITIONS

- ✓ Manual reformatted to have definitions of "writer," "literary material," and "source material" appear earlier. Previously, they were in "Section III. Guild Policy on Credit."
- ✓ Definition of "Professional Writer" added. Previously, the definition was a footnote under "Section II. Credit Determination Procedure."

B. WRITER'S RESPONSIBILITY WHEN ASSIGNED

- ✓ Section renumbered; this was previously "A."

1. Notify other writers on the same assignment.

- ✓ Language changes for simplicity.

2. File contract at Guild office.

- ✓ No substantive changes.
- ✓ Language added identifying the email address where contracts can be filed with the Guild electronically.

3. Keep a copy of all work done.

- ✓ No substantive changes.

C. COLLABORATION: A TEAM OF WRITERS

- ✓ Section renumbered; this was previously “B.”
- ✓ Language changes to clarify the definition of a “team,” including that all material written by the team is attributable to the team.
- ✓ New language added codifying the requirement that a waiver is required for teams of more than three writers.
- ✓ “Screen Credits Administrator” changed to “staff of the Credits Department” to reflect that different department members may be administering the credit arbitration. Similar conforming changes are made throughout the manual.
- ✓ New language added codifying rule that teams are identified with an ampersand (“&”) between the names of team members and the use of the ampersand is not a matter of the team members’ preference.

D. WRITING INDEPENDENTLY OF PRIOR SCRIPTS

- ✓ Section renumbered; this was previously “C.”
- ✓ Language changes for simplicity.
- ✓ New language added that in the case of simultaneous writing, the presumption of access is determined on a case-by-case basis.

II. Credit Determination Procedure

A. NOTICE OF TENTATIVE WRITING CREDIT

- ✓ Language changes for simplicity.

B. WHAT TO DO UPON RECEIPT OF NOTICE

- ✓ Language changes for simplicity.
- ✓ Footnote added identifying when an automatic credit arbitration is required.

C. AGREEMENT AMONG WRITERS

- ✓ Language changes for simplicity.
- ✓ New language added that an agreement on credits must be confirmed in writing.

D. ARBITRATION

- ✓ Note regarding the use of “arbitration” and “arbiters” made into a footnote.

1. Selection of Arbiters

- ✓ Language changes for clarification.

2. Screen Credits Consultants

- ✓ Language changes for clarification.

3. Anonymity of Arbiters and Consultants

- ✓ No change in substance.

4. Rights and Responsibilities of Participants

- ✓ Language changes for clarification.

a. Verification of Materials

- ✓ Language changes for clarification.
- ✓ New language added codifying existing practice of the Guild providing participating writers with literary and/or source material upon request.
- ✓ New language added codifying existing practice of proceeding to arbitration on the basis of the final shooting script if a cutting continuity has been requested but is not available.

b. Statement to the Arbitration Committee

- ✓ Language changes clarifying the purpose of the statement to the arbitration committee.
- ✓ New language added that statements must be delivered to the Guild within 72 hours from notification by the Guild that all literary and source material for the arbitration has been submitted by the Company.
- ✓ Language added that reasonable requests for extensions will be granted but will not preclude submission of the materials to the Arbitration Committee with the statements that have been submitted at that time.
- ✓ New language added with suggestions how to write an effective statement.
- ✓ Language changes clarifying existing practice of excluding certain references from writers' statements.
- ✓ New language expands on list of information that cannot be included in a writer's statement.
- ✓ New language advises that staff is available to assist writers with questions regarding their statements.

- ✓ New language added codifying existing practice of staff reviewing all statements to ensure conformity with the SCM.
- ✓ New language added that staff will redact statements that are not in conformity with the guidelines set forth in the manual.
- ✓ New language added codifying existing practice that submission of material to the Arbitration Committee will not be delayed by a writer's need to revise an arbitration statement to conform to the rules and that such statement will be forwarded to the Arbitration Committee promptly upon receipt if the Arbitration Committee has not yet reached a decision.

c. Anonymity of Writers

- ✓ No change in substance.

5. Pre-Arbitration Hearing

- ✓ New language added further defining the types of issues that can be heard by a Pre-Arbitration Special Committee.
- ✓ New language added codifying existing practice that a writer's failure to raise an issue in a Pre-Arbitration hearing is not a basis for overturning the decision of an Arbitration Committee.

6. Procedure of Arbitration Committee

- ✓ Language changes for clarification.
- ✓ New language added codifying existing practice that literary material is sequenced as of the date of submission to, or acquisition by, the Company and that if there is a significant lapse between when the material was written and when it was delivered to, or acquired by, the Company, the material will be sequenced as of the date of delivery/acquisition.
- ✓ New language added clarifying that a writer may elect to submit material "For Reference Only."

7. Appeals Before a Policy Review Board

- ✓ New language added to highlight that the 24 hour period to request a PRB is strictly enforced.
- ✓ Language changes for clarification.

8. Notification

- ✓ Language changes for clarification.

9. Guild Decision Final

- ✓ No change in substance.

III. Guild Policy on Credits

A. RULES FOR DETERMINING CREDIT

- ✓ Section renumbered; this was previously “B.”
- ✓ Replaces “Definition” section which, along with definitions of “writer,” “literary material,” and “source material” moved to Section I.A.1. – 1.A.4. The definitions of “Story by,” “Screen Story by,” “Screenplay by,” “Written by,” “Narration Written by,” “Based on Characters Created by,” and “Adaptation by” moved to new Sections III.A.1. – III.A.7.

1. "Written by"

- ✓ Section renumbered; this was previously Section III.B.1.
- ✓ Definition from prior Section III.A.7. added.

2. “Story by”

- ✓ Section renumbered; this was previously Section III.B.2.
- ✓ Definition from prior Section III.A.4. added.
- ✓ Language regarding the “Irreducible Shared Story Minimum” added from prior Section III.B.6.

3. “Screen Story by”

- ✓ Section renumbered; this was previously Section III.B.3.
- ✓ Definition from prior Section III.A.5. added.

4. “Screenplay by”

- ✓ Section renumbered; this was previously Section III.B.4.
- ✓ Definition from prior Section III.A.6. added.

a. Guidelines for the Arbiters in Determining Screenplay Credit

- ✓ This is a new heading. Language regarding when it is appropriate to accord a screenplay credit and the limitation on the number of writers who may receive screenplay credit moved under this heading. Previously, they were under Section III.A.6. and III.B.4., respectively.

i. Original and Non-Original Screenplays

- ✓ Section renumbered; this was previously Section III.B.4.b.
- ✓ Language added clarifying that “original” refers to the absence of assigned source material.
- ✓ Language added codifying rule that a screenplay is not original if one writer writes a treatment and a subsequent writer writes the first screenplay.
- ✓ Language added that a screenplay is original if a team writes a story and one member of the team goes on to write the first screenplay without any intervening writer(s). This was previously a footnote.
- ✓ Language added reiterating rule that the first writer on an original screenplay is entitled to no less than shared “Story by” credit.
- ✓ Language added clarifying that “non-original” refers to the presence of assigned source material.
- ✓ Language added codifying rule that sequels and remakes are non-original screenplays.
- ✓ Language added codifying rule that the classification of a screenplay as original or non-original is based solely on the final shooting script.

ii. Percentage Requirements

- ✓ Section renumbered; this was previously Section III.B.4.a.
- ✓ Added subheading “1)” with rule for determining credit on an original screenplay.
- ✓ Added subheading “2)” with rule for determining credit on a non-original screenplay.
- ✓ Language added codifying rule that when a writer performs services independently and as part of a team, the individual and team contributions cannot be combined in assessing the writer’s contribution to the final shooting script.
- ✓ Language added referencing new “Appendix A” with a chart of “Percentage Requirements to Receive Screenplay Credit.”

iii. Selection From Source Material

- ✓ Section renumbered; this was previously Section III.B.4.d.

iv. Additional Guidelines for the Arbiters in Determining Screenplay Credit

- ✓ Section renumbered; this was previously Section III.B.4.c.
- ✓ Language changes for clarification and simplicity.
- ✓ Chart added distinguishing Story and Screenplay elements.
- ✓ Language added reiterating that the determination of what constitutes story and screenplay is case-dependent and is in the sole judgment of the arbiters.

5. “Adaptation by”

- ✓ Section renumbered; this was previously Section III.B.5.
- ✓ Definition from prior Section III.A.10. added.

6. “Narration Written by”

- ✓ Section renumbered; this was previously Section III.A.8.

7. “Based on Characters Created by”

- ✓ Section renumbered; this was previously Section III.A.9.

8. No Other Credits Approved

- ✓ Section renumbered; this was previously Section III.B.7.

B. PRODUCTION EXECUTIVES

- ✓ Section renumbered; this was previously Section III.C.
- ✓ Language added clarifying that “Production Executive” refers to individuals who receive credit as a producer in any capacity or as the director.
- ✓ Language added codifying rule that receiving any form of producer or directing credit qualifies a writer as a production executive for the purposes of credit arbitration. The Guild will not evaluate the specific duties performed to determine whether a writer should be exempted from the production executive rules.

1. Automatic Arbitration Provisions

- ✓ No change in substance.

2. Notice Requirements

- ✓ No change in substance.

3. Percentage Requirements to Receive Screenplay Credit

- ✓ Language changed for clarification.

C. REMAKES

- ✓ Section renumbered; this was previously Section III.D.
- ✓ New language sets forth the options for according credit on a remake.

D. WITHDRAWAL FROM CREDIT

- ✓ Section renumbered; this was previously Section III.E.
- ✓ New language added codifying rules that a writer may not withdraw from credit if s/he is the only participating writer.

E. GUILD'S RIGHT TO PROTEST

- ✓ Section renumbered; this was previously Section III.F.
- ✓ No change in substance.

F. ORDER OF NAMES

- ✓ Section renumbered; this was previously Section III.G.
- ✓ No change in substance.

G. PSEUDONYMS

- ✓ Section renumbered; this was previously Section III.H.
- ✓ No change in substance.

H. WRITTEN MATERIAL PREVAILS

- ✓ Section renumbered; this was previously Section III.I.
- ✓ Language changes for clarification.

I. REVISION OF SCRIPT AFTER FINAL CREDIT DETERMINATION

- ✓ Section renumbered; this was previously Section III.J.
- ✓ No change in substance.

J. PUBLICIZING OF CREDITS

- ✓ Section renumbered; this was previously Section III.K.
- ✓ Language added noting that a writer's failure to comply with MBA and/or Working Rules regarding claiming credit contrary to the final credit determination can result in disciplinary action.

K. CONCLUSION

- ✓ Section renumbered; this was previously Section III.L.
- ✓ No change in substance.

APPENDIX A

- ✓ Chart added reflecting “Percentage Requirements to Receive Screenplay Credit”