



## 12-C Commission Chart

For work done in Legacy AFTRA's jurisdiction - Original Employment and Residuals

Please consult with SAG-AFTRA's Professional Representatives Department with questions on commissions:  
[agency@sagaftra.org](mailto:agency@sagaftra.org) (LA: 323-549-6745) or [agencyny@sagaftra.org](mailto:agencyny@sagaftra.org) (NY: 212-863-4230)

### ORIGINAL EMPLOYMENT<sup>1</sup>

<b>Radio Commercials, Radio &amp; TV Programs, SVODs (made for internet)<sup>2</sup>, Infomercials, Sound Recordings, Interactive</b>	An agent may not commission scale payments.
<b>TV Commercials and Non-Broadcast</b>	Principal: an agent may commission scale. Background actors: an agent may not commission scale.
<b>Promotional Announcements</b>	An agent may not commission scale payments. Exception in NY: An agent may commission scale payments for original employment.
<b>Broadcast: Station and Network Staff Agreements Series Contracts</b>	An agent may commission the term of an over scale employment contract, even if the term of the employment contract goes beyond the term of the agency contract.

### PENALTIES, ALLOWANCES, & ADJUSTMENTS

<b>Overtime</b>	Agent may commission overtime if overtime is based on overscale original employment. Otherwise, an agent may not commission overtime that would lower a performer's compensation below scale payment listed in the appropriate Collective Bargaining Agreement.
<b>Late Payment, Rest Period Violation (Forced Call), Meal Period Violation, Prop &amp; Wardrobe Allowance, Per Diems &amp; Reimbursements, Relocation Allowance, Mileage</b>	Agent may not commission if the penalty is based on the Union negotiated rate in the CBA.
<b>Premium Pay – nights or holidays, Wet or Smoke Pay Adjustments</b>	Agent may commission as long as original employment is overscale.
<b>Vacation</b>	An agent cannot commission vacation pay if it lowers the performer's compensation below the scale payment in the applicable Collective Bargaining Agreement. <u>EXCEPTION:</u> An agent may commission vacation pay if it is calculated based on over scale original compensation ( <i>i.e.</i> original employment is paid over scale).

<sup>1</sup> All References to overscale in this document generally refer to SCALE PLUS 10% (or in instances where an agent negotiates in excess of scale)

<sup>2</sup> If initial compensation is freely negotiable and is negotiated above applicable State minimum wage rates, it is commissionable provided that such compensation above minimum wage may not be put towards compensation that would be due for other services or uses, e.g. overtime, penalties, fees, promotional appearances, merchandising, or re-use

\*Overscale initial compensation does not equal overscale residuals. These guidelines are based on the assumption that the agent has not negotiated residuals terms greater than CBA terms. Agents may commission (a) any overscale *residual* payment they have negotiated above SAG-AFTRA minimums (b) any residual payment based on over scale original employment payment. Applies only to reuse of a program as a whole, and not to the use of an excerpt of one program in another program.



## Residuals Market

Contract/ Job Origin	<u>Network Primetime</u>	<u>Non-Network (Syndication) and/or Non-Primetime Free TV</u>	<u>Foreign TV</u>	<u>Basic Cable, Pay TV or Home Video</u>	<u>New Media</u>
<p><b>Net Code</b> Non-dramatic programs; non-primetime and/or non-network dramatic programs (e.g. game shows, daytime serials (“soap operas”), 1st run syndication)</p>	<p><u>Agent may commission 1st and 2nd rerun at scale if original employment is over scale and residuals check is for more than \$100*</u>: Payment is based on applicable minimum</p> <p><b><i>Daytime Serials and News programs excepted (not commissionable)*</i></b></p>	<p><u>Agent may commission 1st and 2nd scale rerun if original employment is over scale and residuals check is for more than \$100*</u>: Payment is based on applicable minimum</p> <p><b><i>Daytime Serials and News programs excepted (not commissionable)*</i></b></p>	<p><u>Not commissionable*</u></p>	<p><u>Not commissionable*</u></p>	<p><u>Not commissionable*</u></p>
<p><b>Dramatic Programming</b> (ABC, NBC, CBS, and FOX)</p>	<p><u>Agent may commission all network primetime reruns if original employment is over scale</u>: Payment is based on actual compensation</p>	<p><u>Agent may commission 1st and 2nd rerun if original employment is over scale and residuals check is for more than \$100</u>: Payment is based on applicable minimum.</p>	<p><u>Not commissionable*</u></p>	<p><u>Not commissionable*</u></p>	<p><u>Not commissionable*</u></p>

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<p><b>CW</b> Dramatic scripted primetime programs made for the CW</p>	<p><u>Agent may commission 1st and 2nd rerun at scale if original employment is over scale and residuals check is for more than \$100:</u> Payment is based on applicable minimum.*</p>	<p><u>Agent may commission 1st and 2nd rerun if original employment is over scale and residuals check is for more than \$100:</u> Payment is based on applicable minimum.*</p>	<p><u>Not commissionable*</u></p>	<p><u>Not commissionable*</u></p>	<p><u>Not commissionable*</u></p>
<p><b>Pay TV</b> Programs made for Pay TV (e.g. HBO) or home video (DVD)</p>	<p><b>Non-Dramatic</b> <u>Not commissionable:</u> Payment is based on applicable minimum (See "Front of the Book")*</p> <p>-----</p> <p><b>Dramatic</b> <u>Agent may commission all network reruns if original employment is over scale:</u> Payment is based on actual compensation</p>	<p><u>Not commissionable*</u></p>	<p><u>Not commissionable*</u></p>	<p><u>Not commissionable*</u></p>	<p><u>Not commissionable*</u></p>

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<b>High Budget Dramatic Streaming</b> Entertainment programs made for initial exhibition on the internet or other new media platforms (e.g. SVOD)	<u>Not commissionable*</u>	<u>Not commissionable*</u>	<u>Not commissionable*</u>	<u>Not commissionable*</u>	<u>Commissionable only if residual is for exhibition on domestic and foreign SVOD platforms [or foreign-related and affiliated platforms] if original employment is overscale.</u>
<b>Basic Cable</b> Programs made for basic cable	<u>Not commissionable*</u>	<u>Not commissionable*</u>	<u>Not commissionable*</u>	<u>Not commissionable*</u>  <b><i>*NY Dramatic Programs exception:</i></b> <i>Agent may commission 1st and 2nd basic cable rerun if original employment is over scale and residuals check is for more than \$100: Payment is based on applicable minimum</i>	<u>Not commissionable*</u>

**NOTE:** SAG-AFTRA has made every attempt to ensure the accuracy and reliability of the information provided herein. However, the information herein is provided purely for summary purposes and may not constitute a complete and thorough analysis of applicable contract language. Accordingly, SAG-AFTRA strongly recommends all interested parties to contact their Local Union office for a concise and clear interpretation of Rule 12-C or any other Union contract. Please note: no warranties, promises and/or representations of any kind, expressed or implied, are given as to the nature, standard, accuracy or otherwise of the information contained herein, nor to the suitability or otherwise of the information to your particular circumstances.

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