

Determining Compensation and Classification of Employees and Contractors

Non-Management Perspective

You are a freelance theater artist in the Twin Cities. To help pay your bills, you are a teaching artist, and work a part time job. You are at a point in your career where you feel as though you have “paid your dues,” but are still building a body of work and making a name for yourself.

A friend of yours emails you a posting about an upcoming project at Theater Charlie that happens to be one of your favorite plays. You’ve had conversations with your peers about “advocating for yourselves,” when it comes to contracts, specifically about pay. You’re invited to meet with the director of the play, as well as Theater Charlie’s Artistic Director.

You know Theater Charlie is a smaller non-profit, and you’re not sure if negotiating is an option. You know that Theater Charlie is typical of many local theaters who have small staffs who typically do a lot for very little pay. You know working on this project will take time from your part-time job, which is a significant amount of your income. You wonder what your options are for being hired on as an employee at Theater Charlie because you are concerned about whether you are “covered” if you get hurt and you are struggling to set aside money for taxes on your 1099 income.

Management Perspective - Theater Charlie

You are in a management position at Theater Charlie, a well established, mid-size, non-profit theater company. In general, you run a tight ship and know where every dollar is spent. You are taking a risk on the upcoming production and are unsure how ticket sales will be, but it is a show you are excited about producing.

The budget has been tight this year; one of your expected grants did not come through and you have had to make some unexpected cuts. You are trying to maintain salaries and benefits for your full time staff and “keep the lights on” at your facility.

In general, you are not one that is open to negotiations. You establish the production budget early on, and pay the artists you hire what you have set aside in the budget. There is not much wiggle room and you believe that the amount offered to contracted artists is equitable compared to other theaters and given your financial circumstances. You see your theater as a steppingstone to bigger stages, that can pay artists more, and take pride in contracting emerging artists to give them work and the exposure they need to continue moving up. You would like to hire artists as employees, but it is just too expensive.