



# Rules and Procedures for 2021 Awards Eligibility - Televised/Streamed Motion Pictures

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## PREFACE

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These rules provide an overview of the standards and procedures applied by the Producers Guild of America (“PGA”) in determining awards eligibility for Executive Producers, Produced Bys, or Producers (“Potential Award Recipient(s)”). It identifies those Executive Producers, Produced Bys or Producers receiving the primary producing credit and determined by the PGA to have performed a major portion of the producing work in a decision-making capacity on a particular televised/streamed motion picture. Such determination is based on a review of each eligible Potential Award Recipient’s contributions by the PGA or by a panel of experienced televised/streamed motion picture producers. Information is carefully gathered from the participants in the production - including the Potential Award Recipients themselves and the key creative and logistical personnel involved in making the televised/streamed motion picture - to ensure that each Potential Award Recipient’s work can be fairly assessed. Membership in the PGA is irrelevant to the determination of awards eligibility.

The producing functions identified in these rules are NOT organized as a "checklist" to be used in pursuit of awards eligibility. To be eligible for awards, the Potential Award Recipient must always place what is best for the production above all other considerations. For example, efforts by the Potential Award Recipients in pursuit of awards eligibility to insert themselves into meetings or work environments where they are unwelcome or unproductive, solely to fulfill some perceived criteria for eligibility, will not only impede the production process, but also will negatively impact the industry as a whole. Such detrimental conduct may be grounds for denial of awards eligibility. Further, awards eligibility may not be available to those who use coercive or deceptive practices to convey the impression that the PGA’s standards for eligibility have been met. The PGA expressly reserves the right to interpret and apply its standards and procedures in the manner that it alone deems appropriate.

**PLEASE NOTE: The PGA’s awards eligibility process will establish which Potential Award Recipients are eligible for the PGA’s producing honors for that televised/streamed motion picture and may be relied upon by, among others, the Television Academy the Hollywood Foreign Press Association and other organizations in determining which producers may be deemed eligible for their producing honors and awards.**

Thank you for supporting fair eligibility standards and upholding the integrity of the Executive Producer, Produced By and Producer credit by participating in this process.



## RULES AND PROCEDURES FOR 2021 AWARDS ELIGIBILITY TELEVISED/STREAMED MOTION PICTURES

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### A. ELIGIBILITY TO APPLY FOR AWARDS CONSIDERATION

1. Eligibility of Televised/Streamed Motion Picture. A televised/streamed motion picture is defined a feature-length original program which tells a story with a beginning, middle and end, and is originally released in one part (“T/SMP”). A T/SMP may be submitted for awards consideration only if it is intended for original release in the United States of America between **January 1, 2020 and December 31, 2020**, does not have a theatrical release and otherwise meets all eligibility requirements set forth herein. The T/SMP’s copyright owner or other person or business entity legally authorized to designate the producing credits that appear onscreen in the T/SMP’s release within the United States (“Production Company”) must have an established place of business within the United States.
  - a. *Fee.* The fee for inclusion of the T/SMP on the Producers Guild Awards ballot is two hundred dollars (\$200.00).
  - b. *Submission Deadline.* The T/SMP should be submitted **no later than November 13, 2020**.
  - c. *Foreign language T/SMPs.* The following additional requirements apply if a majority of the T/SMP’s dialogue track is not in English:
    - i. Accurate English subtitles are required;
    - ii. The Production Company must have secured commercial distribution of the T/SMP within the United States; and
    - iii. The Production Company must provide at least one (1) third party Verification Form, as defined below, from selected department heads representing each phase of production, not from Potential Award Recipients vying for eligibility. All such forms must be submitted in the English language.
2. Eligibility of Potential Award Recipient. Given the unique nature of T/SMP productions, the primary producing credit may be those individuals credited with one of the following credits: Executive Producer, Produced By or Producer. For purposes of submission to the PGA, the primary producer credit will be whichever credit is most contiguous to the principal credits of the T/SMP (e.g. contiguous to the writer or director credit). A submitter may submit only those credited individuals receiving the main producing credit for the T/SMP, be it the Executive Producers, Produced Bys or Producers, but must submit all producers with such credit (e.g. all Executive Producers if Executive Producer is the principal credit). The submitter may not, under any circumstances, submit Executive Producer, Produced By **and** Producer credited individuals for consideration. A Potential Award Recipient may be considered for awards only if she or he has been contractually credited and credited onscreen as "Executive Producer," "Producer," or "Produced By" for the T/SMP, and such credit appears contiguous to the writer or director credit. Membership in the PGA, a non-profit organization, is not required for -- and is irrelevant to the determination of -- awards eligibility.
  - a. *Voluntary Participation.* Participation in the awards eligibility process by a Potential Award Recipient is voluntary. However, if the Potential Award Recipient does not participate, he/she will be prohibited from later requesting to be considered for awards eligibility (*see* Section C.2. below).
  - b. *Number of Awards Per T/SMP.* The PGA imposes no numerical limitation on the number of producers who may be deemed eligible for awards for a given T/SMP.

### B. DEFINITION OF ELIGIBILITY

1. Potential Award Recipient Job Description. The primary producing credit should be given to the individual(s) primarily responsible for a T/SMP’s production, subject to the control of the Production Company. Typically,

the individuals receiving the primary producing credit, will have performed, in a decision-making capacity, a majority of the producing functions on the T/SMP.

- a. *Development.* During the development phase, the Potential Award Recipient typically conceives of the underlying premise of the production, or selects the material. The Potential Award Recipient also selects the project's writer, secures the necessary rights and initial financing, and supervises the development process.
  - b. *Pre-production.* During pre-production, the Potential Award Recipient typically selects key members of the creative team, including the director, cinematographer, unit production manager, production designer and principal cast. The Potential Award Recipient also participates in selection of the shooting location(s) and approves the final shooting script, production schedule and budget.
  - c. *Production.* During the production phase, the Potential Award Recipient supervises the day-to-day operations of the producing team, providing continuous, personal, and usually on-set consultation with the director and other key creative personnel. The Potential Award Recipient also approves weekly cost reports, and continues to serve as the primary point of contact for financial and distribution entities.
  - d. *Post-production & Marketing.* During the post-production phase, the Potential Award Recipient consults personally with post-production personnel, including the editor, composer, and visual effects staff. The Potential Award Recipient also consults with the creative and financial personnel on the answer print or edited master, and usually is involved in a meaningful fashion with the financial and distribution entities concerning the marketing and distribution plans for the T/SMP.
2. Functional Definition. To be deemed eligible for producing honors, the Potential Award Recipient must have performed, in a decision-making capacity, a majority of the producing functions on the T/SMP, as specified in the current Potential Award Recipient Eligibility Form (*see* Section C.2. below).
3. Additional Performance of Non-Producing Role. If, in addition to her or his role as an eligible Executive Producer, Produced By or Producer, an individual also contributed to the production in a different, non-producing capacity (e.g., network executive, agent, manager, director, writer, actor, or executive or employee of a financing or distribution company), or performed services in a different occupation during production of the T/SMP, said individual may be eligible to receive producing honors only if it is demonstrated that she or he had substantial responsibility for a majority of the producing functions in a decision-making capacity that was demonstrably distinct from, and in addition to, the individual's other contributions to the T/SMP.
- a. *Writer.* Contributions to the story or script are considered duties discharged as a writer, and shall not be counted towards the individual's producing duties if the individual received a writing credit.
  - b. *Director.* Because of the uniquely flexible nature of the producer-director collaboration, many producing functions may be performed by a director in the course of her or his directorial duties on the T/SMP. However, this flexibility shall not be interpreted to mean that every director is therefore also eligible to receive producing honors. To be deemed eligible, the director must have undertaken significant producing duties beyond what she or he normally would perform as a director. Possible examples of such involvement might include: substantial contributions to the development process; a demonstrated attachment to the production predating the production deal made with the Production Company; involvement with the project preceding that of all other producers; responsibility for all budgetary concerns; securing significant financing; securing the platform or network releasing the T/SMP; or playing a decisive role in determining marketing and distribution strategies.
  - c. *Executive or Employee of Financing or Distribution Company.* If an executive or employee of a company that distributes and/or finances multiple televised/streamed motion pictures receives credit as an eligible Executive Producer, Produced By or Producer, she or he must demonstrate a significant and dedicated commitment of time and resources to the production of the T/SMP beyond her or his duties as an executive or employee of the company.

## C. PGA ADMINISTRATIVE PROCEDURES

1. Notice of Producing Credits Form. The PGA will begin the process of determining eligibility to receive producing honors upon receipt of written notice from the Production Company listing: (i) all individuals with the eligible contractual credit of “Executive Producer,” “Produced By” or “Producer” (which titles must appear in the onscreen principal credits consistent with the requirements in Section A.2 above), and (ii) the key creative participants and department heads involved in the production of the T/SMP (“Notice of Producing Credits Form”). The Notice of Producing Credits Form must be submitted online through the website at [www.producersguildawards.com](http://www.producersguildawards.com). The Notice of Producing Credits Form must be submitted and signed by a Production Company, as defined herein.
2. Potential Award Recipient Eligibility Form. Upon receipt of the Notice of Producing Credits Form, one or more PGA staff members responsible for administering award submissions (collectively, the “PGA Administrator”) will contact each Potential Award Recipient to inquire as to whether she or he wishes to participate in the awards eligibility determination process. Each Potential Award Recipient shall confirm her or his participation by completing and submitting to the PGA a Potential Award Recipient Eligibility Form (“Eligibility Form”), or indicating in writing that she or he wishes to be considered for producing honors. All information must be supplied to the PGA in writing; no oral testimony is permitted. In order to foster candid responses, the PGA will keep strictly confidential all information supplied by the Potential Award Recipient. **Please Note: While a Potential Award Recipient is not required to participate in the awards eligibility determination process, if she or he is eligible to be considered for awards but neglects to participate, she or he will be prohibited from later requesting to be considered for awards eligibility.**
3. Verification of Potential Award Recipient Involvement Form. The PGA Administrator may contact key creative participants and department heads (e.g., writer, director, casting director, unit production manager, production designer, cinematographer, post-production supervisor) to obtain confidential information concerning their involvement with the Potential Award Recipients on the T/SMP, typically by requesting that such participants complete a Verification of Potential Award Recipient Involvement Form (“Verification Form”). The PGA Administrator shall use judicious caution to obtain as much relevant information as possible from such key participants. All information must be supplied to the PGA in writing; no oral testimony is permitted. In order to foster candid responses, the PGA will keep strictly confidential all information supplied by the key creative participants and department heads.
4. Initiation and Scheduling of the Producers Award Eligibility Determination. The PGA may: (i) initiate and convene a formal Producers Award Eligibility Determination Panel (“Panel”) to determine which of the Potential Award Recipients qualify for producing honors, if any; or (ii) administratively render an awards eligibility determination without formally convening a Panel when, after careful and expeditious review of all Eligibility Forms and Verification Forms, it has in its discretion determined that there are no significant disputes regarding which Potential Awards Recipients, if any, are eligible for producing honors. If the PGA determines that a Panel is warranted, the PGA Administrator shall determine a time and location for the Panel to conduct a private and confidential review of the documentation, with due consideration given to expedite the awards eligibility determination process. In this instance, the PGA Administrator will send written notice of a pending Eligibility Determination (“Notice of Awards Eligibility Determination”) to all Potential Award Recipients, which will include an attached list of potential arbiters who may be called upon to be a member of the Panel.
5. Arbiters List. If the PGA determines that a Panel is warranted, the PGA Administrator shall make available to all Potential Award Recipients requesting awards eligibility a list of potential arbiters (“Arbiters List”). The Arbiters List shall be composed of accomplished producers with substantial experience, each of whom shall possess no fewer than two (2) “Executive Producer,” “Producer,” or “Produced By” credits in T/SMPs. Arbiters determining awards eligibility need not be members of the PGA. Each Potential Award Recipient shall have the right to reasonably strike arbiters from the Arbiters List provided the Potential Award Recipient has a good faith belief that such stricken arbiter(s) might possess prejudice against an individual or production under consideration. This right to strike shall be exercised, if at all, by reply email to the PGA Administrator by the date and time indicated on the Notice of Awards Eligibility Determination (except where such deadline is modified by the PGA Administrator), after which time the right to strike arbiters shall expire.

6. Selection of an Awards Eligibility Determination Panel. The PGA Administrator shall select from the individuals on the Arbiters List who were not stricken (the “Eligible Arbiters List”) no fewer than two (2) Executive Producers, Producers, or Produced Bys who shall function with the authority of the PGA as the designated arbiters on the Panel. If a Potential Award Recipient is also a director, then the PGA Administrator shall endeavor to include one or more directors as arbiters on the Panel, subject to timely availability. To ensure that these rules are applied fairly, each Panel shall be advised by the National Executive Director, the General Counsel, or the Corporate Counsel & Director of Arbitrations; however, substantive decisions and questions of fact shall be determined exclusively by the Panel. In order to maintain objectivity and avoid professional retribution, the identities of the selected arbiters shall be maintained in strict confidence. An arbiter with a personal interest in the outcome of the proceeding shall recuse herself or himself from participation on the Panel.
7. Late-Elevated Potential Award Recipients. After a final determination has been rendered (either because an appellate panel has rendered a final determination, as outlined in Section E below, or because the time to request an appeal has expired), the PGA will not thereafter conduct another Producers Mark eligibility determination to consider producer(s) who were granted an “Executive Producer,” “Producer,” or “Produced By” credit after a final determination was rendered by the PGA and such credit was the primary producing credit consistent with Section A.2 above (“Late-Elevated Potential Award Recipient”). If the T/SMP is nominated for awards, however, the PGA will consider the eligibility of a Late-Elevated Potential Award Recipient for awards eligibility purposes only.
8. Rule Interpretation and Modification. The PGA expressly reserves the right to interpret and apply these rules in the manner that it alone deems appropriate. These rules may be modified, amended, and/or restated from time to time in the sole discretion of the PGA.

#### D. AWARDS ELIGIBILITY DETERMINATION PANEL PROCEDURES

1. Documentation Submitted to the Awards Eligibility Determination Panel. The PGA Administrator will provide to the Panel all documentation collected from the Potential Award Recipients and the key creative participants on the T/SMP. To promote anonymity and objectivity in the determination process, the names of the Potential Award Recipients and key creative participants shall be redacted from the documentation submitted to the Panel for adjudication and each such individual shall be assigned a unique identifier in place of her or his name. Notwithstanding the foregoing, it is possible that an arbiter may deduce the names of the Potential Award Recipients during review of the documentation and, in that event, the arbiter has the obligation either to proceed without bias or recuse her/himself from the Panel. The Panel shall conduct a careful and expeditious review of the documentation received. All information submitted to the Panel shall be in writing; no oral testimony will be delivered to the Panel.
2. Panel Guidelines. In determining eligibility, the Panel shall assess the documentation presented, using the knowledge and judgment borne of their substantial experience to resolve any discrepancies and to render a decision. The procedures and the Panel’s interpretation of these rules shall favor inclusion rather than exclusion. The Panel shall consider individual contributions of each Potential Award Recipient seeking awards eligibility relative to the specific circumstances of production, granting greater weight to individual functions likely to reflect substantive producing responsibility (e.g., responsibility for the hiring of the director may be weighed more heavily than responsibility for the hiring of the art director; responsibility for overseeing digital effects work may be weighed more heavily on a production with a higher proportion of special effects shots, etc.). Likewise, the four phases of production are not weighted equally. Subject to the Panel’s reasonable discretion based on the circumstances, the PGA recommends that the Panel assess producing contributions using the following guidelines: Development: 35%; Pre-Production: 20%; Production: 20%; Post-Production: 25%. Eligibility can be established if a producer is responsible for a major portion of the functions in a decision-making capacity to account for over 50% of the weighting, except as set forth below.
  - a. *Producer involuntarily removed from production.* The foregoing weighted percentages may not apply to a Potential Award Recipient involuntarily removed from the production process. Any such producer

who satisfies all of the following criteria may be eligible for awards: (1) credit as Executive Producer, Produced By or Producer, consistent with Section A.2 above, on the final cut of the T/SMP; (2) status as the project's original producer, having initially obtained, or caused the Production Company to obtain, the underlying rights to the material and developed the original premise; (3) direct responsibility for hiring, or causing the Production Company to hire, one or more writers who retain writing credit on the finished T/SMP; (4) probative evidence of having been ready, willing and able to produce the T/SMP; and (5) probative evidence of involuntary removal from the production process without cause (i.e., a producer risks forfeiture of eligibility if she or he chose not to continue providing services to the production).

- b. *Producer working to the detriment of production.* The Panel may take special notice of any Potential Award Recipient who hinders the filmmaking process through unwelcomed intrusion into aspects of the process outside her or his appropriate responsibilities. Should the Panel determine that a Potential Award Recipient has engaged in such detrimental behavior, it may, in its discretion, choose to deny eligibility to that Potential Award Recipient notwithstanding that she or he otherwise would be deemed eligible to receive producing honors.
  - c. *Producer's misrepresentation or omission of material information or material interference with third-party fact gathering.* A Potential Award Recipient seeking awards eligibility may not withhold or misstate information material to the eligibility determination process or materially interfere with the PGA's efforts to gather accurate and confidential information from key creative participants and department heads for provision to the arbiters reviewing her or his eligibility. The Panel may take special notice of any Potential Award Recipient who intentionally withholds or misstates information material to the eligibility determination process or who materially frustrates the truthful disclosure of any third party by: (1) obstructing access by the PGA to such party, or (2) coaching, coercing, or improperly influencing a third party to manipulate the outcome of any eligibility determination. Should the Panel determine that a Potential Award Recipient has engaged in such conduct, it may, at its discretion, choose to deny eligibility to that Potential Award Recipient even if she or he exercised sufficient responsibility for a major portion of the producing functions to be awards eligible. The PGA retains the right to rescind a determination that a Potential Award Recipient is awards eligible upon receiving evidence, at any time, that she or he has engaged in the behavior described in this section.
3. The Panel's Decision. After due consideration to the evidence and these rules, the Panel shall render a decision concerning the eligibility of each Potential Award Recipient identified in the Notice of Producing Credits Form to receive producing honors (the "Awards Eligibility Determination"). The Awards Eligibility Determination shall be communicated in writing to each Potential Award Recipient identified in the Notice of Producing Credits Form as well as to the production company who submitted the T/SMP for consideration (the "Awards Eligibility Determination Letter"). The Awards Eligibility Determination will establish which producers are eligible for the PGA's producing honors for the T/SMP and may be relied upon by the Television Academy, the Hollywood Foreign Press Association and other organizations in determining which producers may be deemed eligible for their producing honors and awards.
4. Confidentiality. To protect the integrity of the process and to guard against unjust interference, the identities of the Panel members shall be held in confidence and their work done anonymously. The documents and other materials received from the Potential Award Recipients and third parties, and the content of the Panel's discussion and deliberation, shall remain confidential and shall not be shared with any other individual or entity, except as required by law or as required to: (1) inform PGA Officers, staff, or awards officials of other industry organizations that rely on the Awards Eligibility Determination for the purpose of conferring producing honors; or (2) process an appeal as set forth in Section E, below. Notwithstanding the foregoing, the Awards Eligibility Determination itself (once final after either the time to appeal has run or the appellate panel, as set forth below, has confirmed or modified the Awards Eligibility Determination) may be made public, including without limitation, on the PGA website, IMDb or IMDbPro, or in materials accessible by the public at large.

## E. REVIEW OF THE AWARDS ELIGIBILITY DETERMINATION BY AN APPELLATE PANEL

1. Request for Appeal. A Potential Award Recipient may appeal the Awards Eligibility Determination by written request submitted in accordance with the instructions and deadline set forth in the Awards Eligibility Determination Letter (except where such deadline is modified by the PGA Administrator). The request must be made in good faith based upon the availability of relevant probative evidence, which must be included in the appellate statement.
2. Documentation for Appeal.
  - a. *Burden*. The burden is on the appellant to submit an appellate statement (required) and supporting materials (optional), as set forth below. The PGA Administrator is not required to obtain any additional information from third parties in connection with any appeal.
  - b. *Appellate Statement*. Each appellant **must** submit an appellate statement that summarizes additional probative evidence regarding the specific producing contributions that she or he made to the production of the T/SMP in a decision-making capacity during the four phases of production. The appellate statement should be no longer than 2,500 words, or the equivalent of five (5) pages (though this limit may be exceeded if critical to the appeal). Supporting letters from others who worked on the T/SMP and have personal knowledge of the work performed by the appellant also may be submitted.<sup>1</sup>
  - c. *Submission of Documentation*. All appellate documentation should be emailed to [awards@producersguild.org](mailto:awards@producersguild.org) by the deadline set forth in the Notice of Appeal, described *infra*.
3. Appellate Panel.
  - a. *Constitution*. If a Potential Award Recipient requests an appeal from a decision made by the PGA, she or he shall be provided with the Arbiters List concurrent with the Notice of Appeal and shall have the amount of time indicated in the Notice of Appeal to strike any arbiter as provided in Section C(5), above (except where such deadline is modified by the PGA Administrator). If a Potential Award Recipient requests an appeal from a decision made by a Panel, the PGA shall ensure that any arbiters already stricken from the Arbiters List will not be included on the appellate panel. The appeal shall be presented to an appellate panel consisting of at least three (3) arbiters from the Eligible Arbiters List who did not participate in the initial Panel.
  - b. *Authority*. Every appellate panel shall be advised by the PGA National Executive Director, the General Counsel, or the Corporate Counsel & Director of Arbitrations; however, substantive decisions and questions of fact shall be determined exclusively by the appellate panel. No panelist shall serve on the appellate panel if she or he has a personal interest in the outcome of the proceeding.
  - c. *Scheduling of Appellate Arbitration*. The appellate arbitration will be scheduled on a date set in the sole discretion of the PGA. The PGA Administrator shall notify all Potential Award Recipients of the deadline to submit all appellate documentation, the proposed date for the appellate arbitration, and the deadline by which to strike arbiters (if the appeal is taken from a decision made by the PGA) in the “Notice of Appeal.”
4. Appellate Decision. The appellate panel either shall uphold the Awards Eligibility Determination, or render a new decision based on its review of the entirety of the evidence presented. The decision of the appellate panel shall be final. After the appellate panel has rendered its decision, the PGA Administrator shall communicate the decision to all Potential Award Recipients identified in the Notice of Producing Credits Form as well as to the production company who submitted the T/SMP for consideration.

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<sup>1</sup> Exhibits of contracts, e-mails or other correspondence are optional and only to be included if probative. If an appellant intends to submit such exhibits, they must be clearly referenced in the appellate statement, labeled with exhibit numbers, and the relevant portions of such exhibits must be highlighted for ease of review by the appellate panel. Miscellaneous documents not clearly referenced in the appellate statement, exhibited and highlighted will not be accepted.