



February 2, 2009

New York City Ballet Ratifies 2-Year Agreement

On January 11, 2009, the musicians of the New York City Ballet Orchestra ratified a two-year agreement that began September 1, 2008 and continues through August 31, 2010.

LENGTH OF SEASON: Remains at 26 weeks [23 wks. comprise a Winter Season (Thanksgiving through the end of February) and Spring Season (late April through the end of June). Three additional weeks are performed at the Saratoga Performing Arts Center.]

WAGES:	[2007-08]	2008-09	2009-10
Minimum Annual Salary£ –	[\$60,225]	\$60,225	\$60,225
Annual Salary w/o EMS£ –	[\$60,225]	\$53,725	\$53,725
Weekly Salary* –	[\$1,850]	\$1,850	\$1,850
Wkly. Salary w/o EMS* –	[\$1,850]	\$1,600	\$1,600
Rehearsal (hourly) –	[\$63]	\$63	\$63

** salary is for 6 performances per week; payment for additional services during the work week are based on actual services performed.*

£ annual salary is combination of performance guarantee, 75 hours of guaranteed rehearsal and 4 performance weeks of vacation.

SENIORITY (per week/per year):

5 – 9 years –	[\$22.50]	\$22.50	\$25.00
10 – 14 years –	[\$45.00]	\$45.00	\$50.00
15 – 19 years –	[\$67.50]	\$67.50	\$75.00
20 – 24 years –	[\$90.00]	\$90.00	\$100.00
25 – 29 years –	[\$112.50]	\$112.50	\$125.00
30 + years [NEW] –	[same]	same	\$150.00

Bonus Provision – If the Company’s audited financial statements for the fiscal year ending June 30, 2010, report an operating deficit (excluding one-time bequests) of less than \$1 million, regular and rotation players in the orchestra for the 2009-10 season will receive a one-time bonus of one additional week’s payment at the basic scale.

ELECTRONIC MEDIA SALARY (EMS): \$6,500 of annual wages (\$250 per week) received by each orchestra musician and each rotation player shall be considered electronic media salary (EMS.) \$25 of each extra and substitute musician’s wages for each service performed for NYCB shall be considered an EMS. The wages paid to any musician may not be reduced because all or any part of such wages are considered to be an EMS. The details of the new electronic media agreement (term, rights acquired, revenue participation, promotional use, reports and accounting, etc.) are contained in a separate Media Option Agreement, negotiated by and between the American Federation of Musicians, New York City Ballet and Local 802 – New York. [Further details about the new EMS and/or the Media Option Agreement will be furnished upon request.]

INSURANCE: Health insurance coverage has been transformed at substantial new cost to the Company. Effective February 1, 2009, the Company has made available to all regular and rotation orchestra members and their eligible family members the same comprehensive major medical health care insurance (“NYCB Health Coverage”) currently offered to the management and administrative staff. The Company has made a six-year commitment of new dollars to fund the NYCB Health Coverage according to the terms laid out in an exhibit to the agreement. In addition, health and welfare payments for extra and substitute musicians have been substantially increased from a limited number of contributions per week to contributions made for each service. Details are as follows:

Health – Regular and Rotation Orchestra Members -

[**Was:** regular and rotation orchestra members received contributions toward the Local 802 Health Plan for individual or family coverage. Musician paid premiums of \$25/month for an individual policy and \$135/month for family coverage; in addition, separate individual/family hospitalization was provided since it was not a part of Local 802’s Plan A.]

Becomes: effective February 1, 2009, all regular and rotation orchestra members and their eligible family members are eligible for NYCB Health Coverage. There are no monthly premium contributions for individual participants; monthly premiums will be required for family coverage beginning at \$50/month and increasing each year by \$15/month for the next six years.

The Company may change the plan design of the NYCB Health Coverage as long as the benefit levels provided to the orchestra remain the same as are provided to the management and administrative staff. The Company agrees to consult with the Union prior to making any changes and to consider suggestions on the nature of the changes.

Eligible orchestra members who submit proof of other credible insurance coverage may waive their right to NYCB Health Coverage and instead receive a lump sum payment of \$3,000 annually.

Catastrophic: Due to the comprehensiveness of the NYCB Health Coverage, the need to continue individual catastrophic medical insurance coverage is eliminated and will save each member/participant \$1,952 (in 2008) per year.

Extra and Substitute Musicians -

[**Was:** On behalf of extra and substitute musicians, the Company contributed \$22.50 per performance up to a maximum of \$45 per week to the Local 802 Health Plan.]

Becomes: The Company shall contribute \$25 per service (no limit) to the Local 802 Health Plan on behalf of extra and substitute musicians.

Dental – [**Was:** Employer paid the first \$25,000 of the premium; the remaining premium cost was split between the Company and employees.]

Becomes: The Company will pay the entire dental insurance premium, retroactive to January 1, 2008.

MISCELLANEOUS:

- The guarantee of three additional weeks, and/or the payment of a “Supplemental Unemployment Benefit” was eliminated.
- The Company will make available up to 10 retirement “buyouts” of \$25,000 to basic orchestra members with at least 35 years of service. Employees who accept this buyout will also receive the Retirement Bonus already set forth in the contract.

Thanks to the negotiating team: Bob Biddlecome, Chair; Sara Cutler, Steve Hartman, Eugene Moye and Ethan Silverman. Special thanks to Local 802 President Mary Landolfi and to Recording Dept. Supervisor Jay Schaffner; to Attorneys Danny Engelstein and Mel Schwarzwald; and to AFM President Tom Lee, AFM General Counsel Jeff Freund, AFM Associate General Counsel Patricia Polach and ICSOM Electronic Media Committee Chair Bill Foster.

This bulletin was prepared by ICSOM Secretary, Laura Ross with the assistance of the New York City Ballet Orchestra ICSOM Delegate, Ethan Silverman and AFM Associate General Counsel Patricia Polach.

NEW YORK CITY BALLET ORCHESTRA