

TESTIMONY OF RITA C. SCHWARTZ
BEFORE THE
HOUSE LABOR RELATIONS COMMITTEE
IN SUPPORT OF HOUSE BILL 2626

AUGUST 18, 2008

I am appreciative of the opportunity to come before the House Labor Relations Committee today to speak on behalf of the thousands of non-represented and unprotected workers who are employed as teachers in Catholic elementary and secondary schools throughout the Commonwealth of Pennsylvania. These teachers would benefit greatly from the passage of House Bill 2626.

My name is Rita Schwartz and I am the President of the National Association of Catholic School Teachers, a Union with affiliated locals in the Archdiocese of Philadelphia and the Dioceses of Scranton-Wilkes Barre, Altoona-Johnstown, Greensburg and Pittsburgh. I also serve as President of the Association of Catholic Teachers, Local 1776, which represents lay teachers employed in the twenty high schools operated by the Archdiocese of Philadelphia.

I have worked closely with Catholic school teachers in Pennsylvania for 45 years, first as a teacher at St. Hubert High School in Northeast Philadelphia and for the past 33 years in my capacity as an officer and staff person for the Association of Catholic Teachers and the National Association of Catholic School Teachers.

Lay teachers in Catholic elementary and secondary schools in Pennsylvania have been unionized since the 1960's. The Association of Catholic Teachers in Philadelphia was the first Catholic Teachers Union in the country. ACT won a representation election in February, 1968. Union recognition was voluntary on the part of the dioceses in Pennsylvania, with no need for teachers to seek recourse to State or Federal agencies. Prior to January 24, 2008, six of the eight Pennsylvania Dioceses had recognized unions that engaged in collective bargaining with the employer Church.

Voluntary recognition hit some bumps along the way. When elementary teachers in the Archdiocese of Philadelphia sought to unionize in the early 1970's, the Association of Catholic Teachers (ACT) first approached then Cardinal Krol in an attempt to work within the Church to gain representation for

some 3,000 lay teachers. When talks fell apart over the issue of unfair labor practices, ACT petitioned the Pennsylvania Labor Relations Board and a system-wide election occurred in 1972. The election was never certified because of the large number of unfair labor practice charges filed by the Association against the Archdiocese and its pastors. Several of these charges were found credible by the Board.

Before a new election could be scheduled, the National Labor Relations Board took jurisdiction over Catholic elementary and secondary schools. Once again, ACT went to the Archdiocese to seek in-house, voluntary recognition. When we were turned away, we sought the assistance of the NLRB. Hearings took place and injunctions were sought, but in June, 1977, a system-wide election occurred. The ballots were impounded, pending the outcome of a case currently before the U.S. Supreme Court. The March, 1979 NLRB v. Catholic Bishop of Chicago decision found that since lay teachers in Catholic schools were not specifically mentioned for inclusion in the NLRA, we were, therefore, excluded. This was a very dark day because the U.S. Supreme Court denied all teachers in Catholic schools the protection of State and Federal labor law and left us at the mercy of our employers.

Subsequent attempts to gain representation and collective bargaining for elementary teachers in the Archdiocese of Philadelphia proved unsuccessful. Under the guise of protecting the rights of the pastors and the parishes, the Archdiocese of Philadelphia trampled upon the rights of elementary teachers. A Statement of Principles drawn up by the Archdiocese was presented to the Association of Catholic Teachers with the mandate that it be signed. The signing would not guarantee an election; it "would lead to discussions on structuring a freewill election for the lay teachers."

The Statement contained language which negated the possibility of any meaningful due process. "Any dispute relating to disciplinary action against a lay teacher that results in the suspension or termination of employment shall be resolved on the Parish level with a right of appeal to the Parish Elementary Schools' Appeal Board."

The Parish Elementary Schools' Appeal Board is composed of five members: a pastor, a school principal, a representative of the Archdiocesan Schools' Office and two lay teachers appointed by their principals. The decision

of the Board is binding on the pastor brought before it only if he agrees to be bound by it. The teacher does not have an automatic right to a hearing. There is a screening process by the Archdiocesan Schools' Office.

The Archdiocese mandates that teachers must first renounce their right to due process before any discussion can be held on setting up an election and there is no place for these teachers to go for assistance.

The procedure for disciplinary actions affecting the rights of the Church appears in every Catholic School Teachers' Labor-Management Agreement. That is not, and never was, the issue here.

In June, 1993, the Association of Catholic Teachers petitioned the Pennsylvania Labor Relations Board on behalf of teachers at Norwood-Fontbonne Academy, a private school operated by the Sisters of St. Joseph, Chestnut Hill. The petition sought a representation election. It was followed almost immediately by a charge of unfair labor practices against the religious order for the firing of two teachers at the school who had been instrumental in the efforts to organize a union at the Academy.

The end result was a 1997 Pennsylvania Supreme Court decision closely mirroring the 1979 U.S. Supreme Court decision. The Norwood-Fontbonne teachers were not covered under the PLRA because they were not "public employees" within the meaning of the Act. They had not been included. Thus, there was no election and the two teachers who were summarily fired for union activity had no recourse.

Teachers in Catholic elementary and secondary schools in the Commonwealth of Pennsylvania should not be forced to leave their constitutional rights at the schoolhouse door.

Just this past spring, I was contacted by an elementary teacher in Philadelphia, 61 years old with 34 years of teaching, earning a salary of \$44,000. She was six months away from collecting her full pension. The teacher had just been informed by her pastor that he had to cut his budget and since she cost too much money, she had no job for the upcoming school year. She had no protection against that happening and no recourse.

Another long-time teacher was told that her grade assignment was being switched from middle school, which she had taught for a number of years, to

nursery school. She called me to ask if this could be done. I said yes, since there was no contract to state otherwise. I advised her to speak with the pastor and to take someone, a friend, with her. She was summoned to a meeting at which three pastors (this was a regional Catholic school serving three parishes) and the Principal were to attend. She, however, was told that she was not allowed to have anyone with her. She had no recourse against such actions by her employer.

All of these occurrences have not one thing to do with separation of Church and State. There are no ministerial connections; there is no impact on the mission of the Church. This is only about power and money. It is temporal, not spiritual. Teachers in Catholic elementary and secondary schools throughout the Commonwealth of Pennsylvania need to be protected against these and similar situations. They are not isolated and they will continue to happen.

On behalf of the thousands of unorganized and unprotected employees who ask only for a level playing field when they seek representation and collective bargaining from the employer Church, I urge the passage of House Bill 2626.

Thank you.

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