

TESTIMONY

OF

WILLIAM M. GEORGE, PRESIDENT

ON

**HOUSE BILL 2626 – LAY TEACHERS AND OTHER LAY EMPLOYEES
OF RELIGIOUSLY-AFFILIATED EDUCATIONAL INSTITUTIONS**

**FOR THE PENNSYLVANIA HOUSE LABOR RELATIONS COMMITTEE
HONORABLE, ROBERT E. BELFANTI, JR., CHAIRMAN
HONORABLE GENE DIGIROLAMO, CHAIRMAN**

August 18, 2008

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**Written Testimony on House Bill 2626 – Lay Teachers and Other Lay
Employees of Religiously-Affiliated Educational Institutions for the
House Labor Relations Committee
Submitted by the
Pennsylvania AFL-CIO
August 18, 2008**

Good afternoon, Chairman Belfanti, Chairman DiGirolamo, Committee Members and Committee Staff. This testimony is being presented on behalf of William M. George, the President of the Pennsylvania AFL-CIO.

The mission of the Pennsylvania AFL-CIO is to promote the best interests of workers, specifically the 900,000 hard working members of our affiliated unions. Promoting the best interests of workers in turn promotes equitable distribution of the national wealth, vital public services, domestic tranquility and national security. Consistent with this objective, the Pennsylvania AFL-CIO supports House Bill 2626.

Thus, the National Labor Relations Act of 1935 encourages “the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.” In essence, the NLRA empowers workers engaged in interstate commerce to exercise their constitutional rights of free speech, peaceful assembly and orderly grievance resolution.

The Pennsylvania Labor Relations Act of 1937 enforces the same constitutional rights for employees engaged in intra-state commerce.

It specifically proclaims: "Employees shall have the right to self-organization, to form, join or assist Labor Organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining . . ."

Unfortunately the NLRA and the PLRA, by their definitions of "employer" and "employee", initially enforced this first-class citizenship only for private sector employees.

However, subsequent workplace, economic and societal changes have begged objective reconsideration of the definition of "employee". Consequently, Pennsylvania duly amended its labor relations viewpoint to ensure other workers are not wrongfully denied their constitutional rights to collective bargaining and union representation.

In 1968, Act 111 provided union representation and collective bargaining rights to police and firefighters. In 1970, Act 195 did likewise for thousands of other public employees in Pennsylvania, including public school employees. However there remain thousands of Pennsylvanians who suffer the inequities and indignities of second-class citizenship. Included among them are lay workers of religiously-affiliated educational institutions.

Historically the most enduring and positive provision of our system of government has been the ability to amend our laws to ensure justice prevails no matter how much circumstances change. Our labor relations laws exempted certain employees from applicability because of circumstances that no longer

exist or have changed. It's time to again amend Pennsylvania's labor relations laws to adapt to current circumstances to ensure justice prevails.

It's time to enforce the constitutional rights of lay employees of religiously-affiliated educational institutions. House Bill 2626 would do this by amending the PLRA to allow these employees their choice of union representation and collective bargaining.

Lay teachers at religiously-affiliated educational institutions in neighboring New Jersey and New York have this choice. A recent New York Court of Appeals decision asserted, "While (the New York State Labor Board) cannot force labor parties to agree on specific terms; it can, however, compel them to try to negotiate in good faith. Such overarching authority and particularized supervision do not intrude on Free Exercise or non-establishment rights, to the point of stepping over First Amendment limitations." The New Jersey Supreme Court also upheld the constitutionality of union representation for lay elementary school teachers. Included in its written ruling was, "Lay Teachers in church-operated elementary schools have an enforceable state constitutional right to unionize and to engage in collective bargaining respecting secular terms and conditions of employment without violating the Religion Clauses of the First Amendment of the United States Constitution." These are two compelling examples of how other states believe Lay Teachers should be able to exercise their constitutional rights of free speech, peaceful assembly and orderly grievance resolution without infringing on First Amendment rights.

As lay persons they are entitled to the constitutional rights of all other lay persons, including the right to workplace democracy that promotes their dignity and equity. Violating their rights as workers ostensibly because they are employed by religiously-affiliated educational institutions at best is arbitrary and at worst capricious.

These Lay Teachers, unlike members of the clergy or clerics, provide for their entire livelihoods with the compensation they receive from their employers. Thus lay employees of religiously-affiliated educational institutions deserve to have their rights upheld. As bona fide lay employees they must be able to self-organize, elect their collective bargaining representatives and bargain collectively.

Historically when such egregious injustices surfaced, responsible legislatures enacted new laws and amended existing laws to restore justice for the affected persons. House Bill 2626 would do just that, and therefore the Pennsylvania AFL-CIO supports House Bill 2626.

The Pennsylvania AFL-CIO thanks Chairman Belfanti for scheduling this hearing on such an important issue. The Pennsylvania AFL-CIO commends State Representative Eddie Day Pashinski for being the prime sponsor of House Bill 2626. It is testament to his conscientiousness and leadership that he strives to protect and enforce the constitutional rights of all citizens, including those who provide for themselves and their families by working at religiously-affiliated educational institutions.

Thank you, Mr. Chairman.