

STATEMENT OF SUPERINTENDENT FOR CATHOLIC SCHOOLS
ON HOUSE BILL 2626 (P.N. 3926)

General Assembly of Pennsylvania
House Labor Relations Committee
September 18, 2008

Good afternoon! I am Dr. Robert L. Paserba, Superintendent for Catholic Schools, Diocese of Pittsburgh, Pittsburgh, Pennsylvania. As Superintendent for Catholic Schools, I represent approximately 24,000 students in grades preschool through 12 in 112 schools in our 6-county area and approximately 1800 professional educators. Approximately 95% of our professional educators are lay men and women. I have been Superintendent for Catholic Schools in the Diocese of Pittsburgh from 1994 to the present, having served as Superintendent of the Butler Area School District, Butler, Pennsylvania from 1985 until 1994 and having served as Assistant Superintendent for the Hampton Township School District, Allison Park, Pennsylvania for six years prior to my Butler position. I have been a member of the Pennsylvania State Education Association and have served in various teaching and administrative roles for 30 years in public schools and universities in Pennsylvania, Maryland, and Florida.

My direct experiences and involvement in labor relations and negotiations include the past fourteen years with the Diocese of Pittsburgh as the chief negotiator, in cooperation with our appointed labor attorney, for the elementary schools, high schools, and St. Anthony School Programs whose members are represented by the Federation of Pittsburgh Diocesan Teachers, an affiliate of the National Association of Catholic School Teachers. I served in a similar capacity as Superintendent for the Butler Area School District in regards to negotiations with the Butler Education Association, an affiliate of the Pennsylvania State Education Association and a supporting role in labor negotiations at Hampton Township School District.

Presently, there are approximately 550 full-time lay teachers in thirty-nine (39) of our Catholic elementary schools represented by the Federation of Pittsburgh Diocesan

Teachers. In the eight (8) high schools, there are approximately 225 full-time lay teachers represented by the Federation. In the St. Anthony School Programs, there are ten full-time lay teachers represented by the Federation.

Each of the three groups of teachers represented by the Federation of Pittsburgh Diocesan Teachers has extensive bargaining and meet & discuss rights dating back to the early-1970's when the diocese first recognized the right of the secondary teachers to join the Federation of Pittsburgh Diocesan Teachers. Since then, there have been significant improvements in the labor contracts negotiated between the Federation and the diocese and/or parish schools and St. Anthony School Programs.

Presently, each of the three groups of teachers—elementary, secondary, and St. Anthony School Programs---has negotiated a 6-year labor contract. The elementary and St. Anthony contracts extend through August 31, 2014 and the high school contract expires on August 31, 2013. Included in the contracts, which are nearly identical with one another, are 1) salary scales which provide for minimum starting salaries and annual increases of more than 3% each year, 2) supplemental payments for longevity and the attainment of continuing professional development courses and degrees, 3) health care benefits for individuals and families, 4) participation in diocesan pension plans and TIAA/CREF, 5) a Voluntary Early Separation Incentive Plan that allows teachers to separate from the school with appropriate benefits provided for up to five years; and, most importantly, 6) the recognition that the Diocese must be free to operate its schools at all times in conformity with religious doctrine, teachings and laws. Beginning salaries for entry level teachers for each of the three contracts for the 2008-09 school year are as follows: Elementary Teachers \$27,100; St. Anthony School Programs Teachers \$28,000; High School Teachers \$31,100.

The three contracts also provide for meet & discuss rights of the teachers to resolve and/or prevent problems and school-related issues at the local level or throughout the system of Catholic schools. A formal grievance procedure is included in each contract that ultimately permits unresolved grievances to be taken to the American Arbitration

Association. The decision of the panel of arbitrators, including awards of the arbitrator, are final and binding. Matters involving discipline for reasons of religious principle are not subject to the grievance procedure.

For the schools in the Diocese of Pittsburgh that are not covered by any of the three labor contracts negotiated with the Federation of Pittsburgh Diocesan Teachers, a formal procedure is in place that allows the full-time lay teachers of a Catholic school to determine whether or not they want to be represented by the Federation. In the spring of each school year the Federation may present a request from 50% or more of the lay teachers at a particular school to have a vote for representation by the Federation. If all of the eligible teachers vote and if more than 50% of the eligible voters cast their vote for unionization, the negotiated contract is put in place effective with the next school year and that school is then recognized as a Federation school.

In regards to House Bill 2626, there are a number of critical issues that must be considered:

1. House Bill 2626 is an attempt to end an exemption to direct state involvement in religious schools, an exemption recognized as legitimate and constitutionally valid by the U.S. Supreme Court. The Pennsylvania Supreme Court has also ruled that such an exemption is legitimate under Pennsylvania law.
2. House Bill 2626 places Catholic parish schools and Catholic high schools under the authority of the Pennsylvania Labor Relations Board.
3. House Bill 2626 reserves to the Pennsylvania Labor Relations Board the authority as to whether Catholic doctrine as lived and experienced in Catholic parish schools and Catholic high schools is a mere "pretext" for an anti-union practice. This fundamentally compromises the right of Catholic schools to define their core foundation, mission and ultimate purpose.

4. House Bill 2626 fails to recognize that many Catholic parish schools and Catholic high schools in the state already have lay unions that bargain and negotiate, with the right to independent arbitration. Dioceses now have the freedom to decide the method of structuring employee relations that is most compatible with their own circumstances. House Bill 2626 would erode that freedom.
5. House Bill 2626 does not take into consideration the considerable financial impact that the state could force on Catholic parish schools and Catholic high schools through mandates of the Pennsylvania Labor Relations Board. These could be onerous and result in the closing of a number of Catholic schools.
6. House Bill 2626 fails to recognize that the right of Catholic parish schools and Catholic high schools to determine what is critical to the religious, catechetical and faith-based mission of their educational institutions is respected by the unions representing Catholic school teachers in the Diocese of Pittsburgh and is not part of the collective bargaining process.

Additionally, there are a number of potential adverse effects that House Bill 2626 would place on Catholic schools, local communities, and the Commonwealth:

1. House Bill 2626 ignores the compelling state interest to local communities throughout the state in maintaining healthy and vibrant Catholic parish schools and Catholic high schools. Studies have consistently shown the positive impact that Catholic schools and their graduates have on the quality of life in a community.
2. House Bill 2626 fails to recognize that not only do Catholic parish schools and Catholic high schools provide substantial public cost-savings to the taxpayers in their local communities; they also provide an educational alternative that serves

the needs of minority citizens and inner-city communities in many areas of Pennsylvania without cost to the state.

3. House Bill 2626 would create the potential for numerous lawsuits under the Religious Freedom Protection Act, the federal constitutional guarantee of separation of Church and State that protects religious institutions from unwarranted state interference, and the Pennsylvania state constitution.
4. House Bill 2626 would create a law based on a local grievance in one specific region. Rather than allowing that one local grievance to work toward its own resolution, House Bill 2626 would create a general statewide law with unknown consequences and dangerous involvement of the state in defining religious issues and mission in Catholic parish schools and Catholic high schools. Moreover, it would represent the choosing of sides in an internal Church dispute over the application of Church social teaching in one particular diocese.

In summary, each system of Catholic schools in the Commonwealth of Pennsylvania has adopted or may adopt procedures to insure fair compensation and just working conditions for its lay educators. Appropriate models such as the one used in the Catholic Diocese of Pittsburgh since the early 1970's suggests that the passage of House Bill 2626 would most likely undermine an already successful procedure and cause a constitutional confrontation between Church and State of the same type that occurred between 1977 through 1997. The confrontation will most likely involve all Catholic dioceses in the Commonwealth.

