

PA House Education Committee,

RE: HB 1369 Hearing; Neshaminy Auditorium August 25 2011

Chairman Rock, members of the House Committee on Education I would like to thank you for this opportunity to address you directly with my concerns and thoughts on the legislation under consideration in House Bill 1369. It is of special significance to me that this committee sought to come to the public instead of us having to come to you. Many concerned residents cannot be here today because of the hour and somewhat late notice of this hearing. Don't let any lack of residents in the audience sway or deter you from the commitment of our community on this issue or the current crisis here in the Neshaminy School District. I want to assure you that there is overwhelming community support in Neshaminy for School Reform at every level; as well as overwhelming support for our Neshaminy School Board. Employment issues as well as educational progress are forefront here in Neshaminy: primarily due to our contract crisis now going into our fourth year. This is compounded by what many in our community feel is a school districts lack of educational progress, a lack of excellence that has been seen in our State PSSA scores. Scores that rank our district about middle of the pack in Pennsylvania, but our professional certified staff total compensation is in the top of Pennsylvania School Districts.

You may see many supporters here from the NFT as well as other local unions. Please remember most taxpayers don't have 9 weeks off during the summer or liberal work schedules that would allow them to attend. In this economy a large portion of our residents work multiple jobs just to make ends meet.

I would like to start by giving you a little personal background since those on this committee do not know me. As mentioned my name is Stephen Pirritano, I am married to my wife for 17 years. We have two children a daughter 13 and son 15 both enrolled in the Neshaminy School District. We have been residents of Lower Southampton Township here in Bucks County since 1994. I am employed in the private sector, part of a family business located in Northeast Philadelphia started by my parents in 1977. I have been one of the principle owners since 1987.

My father is also retired Teamster, growing up my family benefited from my father's membership in the Teamsters; steady work, good pay, good benefits, security, these represent exactly what most unionized or non-unionized worker want. The question is the same now as it was then, how to obtain and maintain them.

But on this specific issue regarding this essential industry EDUCATION there is an additional non-tangible proposition. One not involved in any other industry beyond public education. Who does it hurt when the needs of the few outweigh the needs of the many? The many here, being our children.

Just like the company my father worked for, A COMPANY THAT NO LONGER EXISTS IN ITS PAST FORM; our community may succumb to market forces. The market forces in this equation are imbalance.

This imbalance exists because there is never any to start with. There is no incentive for a Union to bargain reasonably with their district. Bargain with their real employer; us the Taxpayer.

The Neshaminy Federation of Teachers demands far surpass our ability as an employer to provide. This lack of balance ultimately forces the consequences on our children. What would happen in private industry when the same imbalance occurs? Ask those like my father's fellow colleagues, their jobs are gone and were not replaced, gone forever. Nobody guaranteed their jobs.

That is why we are here today to talk about restoring balance and how House Bill 1369 can start towards the progress of doing such. Let my comments not be mistaken; by no means do I believe HB 1369 is the end all cure all for Pennsylvania's Public Education Systems woes; it is a starting point from which to build upon.

Over the past years I have tried to become more involved in the matters related to our school district, including contract issues and more importantly the quality of education our children receive. The primary focus of present issues that I see is a need for reform; reform at every level of our public education system. The educational reforms cannot start without revisiting the State sanctioned work rules that our local school district must follow regarding how they employ, maintain and bargain with staff.

The current Status Quo that exists within our contractual agreements (a provision that is a judicial remedy not legislative one) precludes a school district from having any instance of a balanced bargaining position. Leaving the employed ultimately protected in the entire bargaining process with no potential of loss of status.

I have no quarrel with any Union's ability to negotiate a contract either in public or private sectors but when a Public School District has proven that salaries and benefits cannot continue at prior rates, revenue cannot be raised to meet demands, and concessions must be made in order for that District to provide its main function of educating our children, securing their future and when the response of the Union is NO; you will just keep paying us until you give in. Where is the balance in that?

How do school districts like Neshaminy have any power to negotiate a fair settlement for the Taxpayer while also trying to find a settlement with the union when the current laws protect the union at every level of bargaining process? We are bound by state laws regarding collective bargaining, we cannot solicit employment in a free market, we definitely cannot pick up and move somewhere else. We cannot stop what I feel are illegal work actions by our union the NFT like the "WORK TO CONTRACT" that they have instituted before and threaten to institute again. A policy action that goes against every past practice that has existed in Neshaminy since collective bargain began.

We are prevented from initiating any merit based pay system, asking the employed to take some responsibility for the results of their labors, but the union is protected more than any other entity in this equation. Why? Because over the years they have convinced you, the lawmakers that they should be.

Yes that is their right; to lobby lawmakers for policies that benefit them. At some time in the past these protections may have seemed the right thing to do but results matter and when you look at the results of these policies using Neshaminy as the example, it is apparent change is long over due.

Now this brings us back to today and again I want to thank this committee for giving me this opportunity that most citizens hardly ever have; to testify directly to you for a change in these policies. Change that just doesn't benefit one side or another but hopefully has the effect of starting Pennsylvania down a different road. Change in our public education system for every child in Pennsylvania; a result that benefits us all.

Our Union, like some others in Pennsylvania Education, one that refuses any merit analysis in their salary or any responsibility for low PSSA results also refuses any shared parity with taxpayers relative to hours worked, salary, benefits, retirement, or work rules.

Given that 70+ % of our districts budget is made up of wages and benefits. I realize that any contract being negotiated will steer our district's future for years to come.

It is my intent as a community member to advocate for an affordable, well rounded, triple “A” education for all students at a fair cost to the residents of their district, without disruption!

Facts don’t lie, our districts finances are validated, and the funds are not there! When the NSB was asked; they posted all financial information available to the public.

When the NFT is asked to provide this same validation of their claims, they are never seen or posted anywhere for the public to review.

Our system cannot withstand the growth in salary and benefits requested by our Teachers Union or the continuation of the current salary & benefit structure and still maintain a viable public education system. Currently as I stated in our District, salaries and benefits consume in excess of 70% of our budget, leaving less than 30% for transportation, building maintenance, insurance, utilities, food services, and somewhere in there is educational supplies, materials and curriculum.

Local school boards have their hands tied when it comes to union contract negotiations. Current State Laws prevent school boards from using free market bargaining practices. This leaves taxpayers with only one choice when it comes to a school district’s ability to negotiate a fair contract for Taxpayers. With no competition in the hiring system once a particular union has been given a contract, when that contract has ended, the district cannot bargain for employment with any other entity.

Regardless of the results that union's employment has generated. This gives all the bargaining power to the employed and none to the employer, in our case the Taxpayers of the Neshaminy School District.

I ask how is this fair? After a certain amount of time has passed and no agreement can be made the current status quo continues to benefits the employed wholly. Where it has been shown that the employer has limited funds to meet demands and /or requires concessions in order to keep the operations of the district solvent what are Taxpayers to do?

Current law says TOO BAD; you must find a way to reach a settlement or continue to operate under the "status quo" until you do so. This isn't negotiation; this is the employed swinging the hammer and the employer having to take the beating. Then they have that ultimate bargaining tool to STRIKE. Another tool in their arsenal to continue the assault of a community with 21 un- interrupted days of confusion, and uncertainty. Disrupting the lives of 8800 students here in Neshaminy plus countless more in their families. With what working families are up against to have to deal with this tactic on top of how powerless we are to start with is unreasonable and can be totally devastating for a family to work around.

I would like to inform you about some other facts here in Neshaminy for comparison. There are approximately 670 members of the NFT; 670 that can hold 129,000 residents residing in the six towns that make up the Neshaminy School District financially hostage.

That includes over 22,000 residential tax parcels as well as 1,300 business parcels. How can so few been given so much power over so many?

I am not one of those who solely lays blame at teacher unions for the finical crisis and lack of growth in our school district's performance. A child's performance is related to multiple factors, some of which are; administration policies, staffing, parental involvement, curriculum, teacher proficiency, finances, etc. In saying that; it is safe to say not too many would argue that we don't spend enough per student here in Neshaminy. I don't think that argument can be made when 70+% of our budget is consumed by salary and benefits.

Teacher unions seem to be declaring they can and will apply a strangle hold around our children's education in order to continue to receive these compensation packages that are well above the median income of most taxpayers or our ability to raise the revenue for them.

Regardless of what is heard in the media or other public accounts; no one is against teachers. This community and I may be against their bargaining practices but not the profession of educators. What I can say I am against is how beholding our children's education has become to the collective; the Union bargaining unit. If this was a private school district; I say go ahead and get as much as you can, but it is not!

We the people, the taxpayers, are their true employer and we have spoken through our elected representatives overwhelmingly; we cannot afford any more. We need relief and we need long term financial stability. These issues are intertwined with this discussion of HB1369 today.

Moving back onto HB1369, Restricting the right to strike. While on its face, I personally have an issue with the premise because why allow a union if you restrict the right to strike. There are current examples Police, Fireman, Doctors other essential public safety employees were this is the policy. Do Public School Teacher Unions rise to the level of these essential workers, yes I think you can make a similarity between them?

Being that in this situation the bargaining unit in question here Teacher Unions already have all the negotiating power to begin with I can support the provisions of this Bill. I will state that I would much rather have changes in the Status Quo provision to equal the bargaining playing field but since that is not the intent of this hearing and no other remedy for restoring balance is in front of us I support this change to eliminate public teacher strikes. This is one step in restoring some balance back to taxpayers because in reality we have none to begin with.

I have heard some local legislators from other districts suggest instituting BINDING ARBITRATION. I elected my School Board Members to represent my interest and I am not willing to relinquish those rights to any entity that has no interest in my community. Please do not consider implementing that provision.

Both sides do need to be held accountable and if you look at the record of negotiations using Neshaminy again as the example I think you will find there is no merit to the NFT's claims that the NSB will not negotiated. The NSB's labor attorney; Mr. Sweet has shared with me, from a request I made to the board, information from session notes he kept regarding attendance and the length of discussions from all the negotiation meetings up to May of this year. It has been the NFT who has been responsible for the majority of meetings either ending early or not occurring at all do to their behavior or unwillingness to meet.

If you the legislators believe that Act 1 was the right thing to do for taxpayers as I do; you need to finish the job. Taxpayers are strapped, the recent recession only accelerated these pressures, they would have hit anyway in a few years. This State has done everything short of Wisconsin to indirectly show Teacher Unions you must come with reasonable demands to the bargaining table. But when they don't; current "status quo" still protects them, where is the taxpayer protection. Yes you gave us Act 1; THANK YOU but you have done nothing I am aware of on bargaining. The two need to go hand in hand. You the lawmakers must address these collective bargaining rules that have long since needed to be updated for the modern economy. Our Union the NFT has definitely not gotten the message; HB1369 will help and should be the law in Pennsylvania.

If Pennsylvania wants to continue to support collective bargaining for public teacher unions, and you believe that Act 1 was the right thing to do for Taxpayers the real issue in my opinion is Status Quo as practiced in Pennsylvania.

I support a suggestion from my State Rep. Frank Farry that he expressed to me in a conversation while we were debating the issue of amending Status Quo with a "limitation of any benefit cost(s) that exceed the cost at the time the contract expires shall be the responsibility of the employed during the interim period." I think it is reasonable and meets a middle ground. Hopefully discussion among fellow Legislators will allow this or similar language along the same lines into a future Bill that can be presented to the Governor for his signature.

Ultimately I feel there should be a free market system that would allow school districts to bargain with multiple units to find the best possible employees for their individual district.

If Pennsylvania wants to maintain Public Sector Collective Bargaining you have to revisit the rules that govern and balance them to be fair to Taxpayers not just the Unions.

HB1369 is a start, it can ease a period of transition for parents and children alike by removing the fear and uncertainty for parents that have no way to adjust their daily work schedules to provide daycare and remove any disruption in educating their children.

If teachers really need to maintain this tool there is generally 9 weeks between the end of one school year and the start of another that they can make their signs and walk the line in front of their schools where their respective community can see them and get informed on their grievance. Please make HB 1369 law in Pennsylvania.

Thank you again for this opportunity, I am willing to answer any question this committee would like to put forth to me.

Stephen Pirritano

Feasterville, PA. 19053

Submitted August 25, 2011