

NACST



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36th NACST Convention

The 36th annual NACST Convention/Conference was held **October 10-12, 2014** at the Hyatt Regency Hotel in Philadelphia. Fifty-one delegates were in attendance.

The keynote speaker was Dr. Charles Russo, holding the Panzer Chair in Education and is an Adjunct Professor of Law at the University of Dayton.

Attorney Ben Esiner [Spear, Wilderman] addressed delegates on implementation of the Affordable Care Act and implications for contract negotiations.

Attorney Martin Milz [Spear, Wilderman] presented delegates with information on contract writing.

Convention delegates were briefed on the progress of organizing efforts by SWOCEA [Archdiocese of Cincinnati].

Executive Committee member Kathleen Mahoney [COACE] retired, delegates elected Barb McVicker [YDCT] as the new Vice President at Large.

36th NACST Convention: Keynote Speaker

Dr. Charles Russo: Catholic School Teachers and Title VII - the Ministerial Exception

Dr. Russo summarized a talk he presented at the University of Toledo Symposium on School Law, delivered in the summer of 2014. Delegates to the convention were directed by Russo to a video of the talk, available through the university. The presentation to convention delegates focused on the role of religion in hiring at Catholic schools and the application of labor law to employment.

Under US law, the employer Church can use religion to deny the application of labor law, if an employee has "ministerial" status. This ministerial exception was defined in cases before federal courts throughout the 1990's.

Russo stated that union leaders in Catholic schools should not simply accept the employer's claim that an employee is subject to the ministerial exception, with an assertion that the employee performs a "bona fide occupational qualification" related to the Church's religious mission.

Rather, it is the responsibility of union officers, in the application of union contracts, to assure representation of as many members of a bargaining unit who do not fall under the ministerial exception.



Charles Russo with NACST President Rita Schwartz

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36th NACST Convention



The Delegates to the 36th Annual NACST Convention said goodbye to Vice President At Large, Kathleen Mahoney, who has retired and will be relocating with her husband, Bart, from Columbus, Ohio to Camden, South Carolina.

We thank Kathleen for her many years of work for the teachers in the Diocese of Columbus as President of COACE and, especially, for her service on the National's Executive Committee.

We wish Kathleen a happy and healthy retirement. She will be missed.

Kathleen Mahoney: "These ten years have been so inspiring and regarding. I cannot put into words my love for all of you. The best years of my life have been spent with the greatest people. Best of wishes now and always. Invite me back sometime. I will miss all of you. Blessings."

Executive Committee Election

Members of the NACST Executive Committee were returned to their positions with election at the 36th NACST Convention. Barbara McVicker was elected to fill the vacancy created with Kathleen Mahoney's retirement.



from left: Paul Fitzpatrick, Bill Blumenstein, Patricia Spellman, Rita Schwartz, Mike DeSantis, Barb McVicker [George Rudolph not shown]

STATE OF THE UNION 2014: A Year of Legalities

It is good for us to be together. We celebrate ourselves and the good work that we do for our teachers.

Based upon what we heard last night during the Report of Locals, I think our mantra should be Shakespeare's infamous line from Henry VI, Part 2, Act 4, Scene 2. "The first thing we do, let's kill all the lawyers."

This past year has been filled with a multitude of things legal: a court suit, a grievance settlement coupled with a confidentiality agreement, a contract mediation conducted by the New Jersey Department of Mediation and a large number of grievances.

Let's look at Queen of Peace in North Arlington, New Jersey. Shame on the pastor and the president of the School Board for allowing such awful things to happen to their teachers. Some teachers did not receive paychecks over several pay periods; others were not given contractually mandated benefits. The administration also allowed the school's lawyers to drag out negotiations for over a year. The Union was finally forced to sue the school.

In Philadelphia, it took over a year and a half to resolve grievances involving the future of two teachers. A settlement covered by a confidentiality agreement was finally reached, but legalities trumped justice all the way.

The Cincinnati teacher contract arose because the Archbishop's lawyers insisted that the Archdiocese needed to protect itself from future legal action by issuing a 6-page compendium of "Thou Shalt Nots." This was not religiously motivated; it was litigiously based.

I still believe that the term "Teacher-Minister" was introduced to thwart collective bargaining.

Here in Philadelphia, we had one of the most horrendous cases of union busting. It was at a Jewish Day School. Interestingly enough, the Jewish Day School Board invoked the "Catholic Bishop of Chicago v. NLRB" Supreme Court decision in its union-busting rationale. The Board president needed "more flexibility." The school wanted to move from "a union model governed by a collective bargaining agreement to an independent model guided by school administrators under a new Faculty Handbook." Jewish social teaching coupled with a union that had been recognized for 38 years did not figure into the school board's equation at all.

We, the members of the National Association of Catholic School Teachers, can celebrate today that we have a brand new local affiliate, the South West Ohio Catholic Educators' Association, SWOCEA. Our fledglings have made amazing progress. However, we all know that the last thing the Archdiocese of Cincinnati wants is a teachers' union. Even though the Archbishop extols the right of people "to organize and join unions or other associations and to engage in collective bargaining." SWOCEA and their teachers need all the support that we can give them.

As we leave this Convention today, let us all renew our resolve to keep our unions strong and far away from the endangered species list. Let the Cincinnati teachers inspire us.

I am happy to report that the State of our Union is excellent! We must do all that we can to keep it that way.

Have a successful year. Let NACST know how we can help you.



Affiliated Locals

**Altoona Johnstown Catholic School
Teachers Association**
(Diocese of
Altoona Johnstown PA)
Michele Kirk

Association of Catholic Teachers
(Archdiocese of Philadelphia PA)
www.act1776.com
Rita Schwartz

Catholic Teachers Union - NJ
(Diocese of Camden NJ)
www.ctunj.com
Bill Blumenstein

**Central Ohio Association of
Catholic Educators**
(Diocese of Columbus OH)
www.coace.com
Erica Gowitzka

**Cleveland High School
and Academy Lay
Teachers Association**
(Diocese of Cleveland OH)
Michael DeSantis

DELTA
(Diocese of Worcester MA)
Jonathan Meagher

**Diocesan Elementary
Teachers Association**
(Diocese of Buffalo NY)
Joann Biggie

**Federation of Pittsburgh
Diocesan Teachers**
(Diocese of Pittsburgh PA)
Brian Klisavage

**Greater Hartford Catholic
Education Association**
(Archdiocese of Hartford CT)
Paul Fitzpatrick

**Greensburg Diocesan
Teachers Association**
(Diocese of Greensburg PA)
Will Merchant

36th NACST Convention: Speakers

Martin Milz: Contract Language

Mr. Milz presented delegates with information about specific contract language.

He focused on the importance of language in the following areas: grievance process, "just cause," management rights, benefits, and the maintenance and standards of the contract in relation to "past practice."

Milz provided delegates with language samples and numerous suggestions for improvement of language in current locals' contracts.

In an extensive Q & A session, delegates were given the opportunity to apply Milz' suggestions to their own contracts, as well as exchanging language provisions with other locals in order to improve local contracts in upcoming negotiations.



*Martin Milz and
Ben Eisner
of the labor law firm
Spear, Wilderman*

Ben Eisner: the Insurance Maze

Mr. Eisner presented convention delegates with information about the implementation of the Affordable Care Act and its application to union contracts.

He presented local union leaders with a four-step process for the collective bargaining of benefits.

Union negotiators must first identify the nature of the employer's insurance plan, primarily whether the plan is self-insured or fully-insured, as well as whether or not the plan is grandfathered under the ACA.

Further, unions must assess whether or not provisions of the insurance coverage must comply with certain ACA requirements.

Next, unions must not simply rely on the verity of employer's claims about ACA implementation, but must evaluate the claims in relation to the ACA.

Finally, unions must continue to promote members' interests in the employer's insurance plans.

Although implementation of the ACA is complex, informed union negotiators can work with employers to guarantee members' rights.

36th NACST Convention: Among the Locals

excerpts from the Reports of Locals

ACT [Philadelphia] - the Archdiocese moved from its traditional pension plan, a defined benefit plan, to a defined contribution plan under the management of Vanguard, with the schools contributing 4.5% of teachers' salaries - the union and schools agreed on a one-year contract extension for the current year and will use the Early Bird format to conduct negotiations in the Spring of 2015 - of thirty-five positions constricted at the end of the 2013-2014 school year, thirty-four constricted teachers were placed in either permanent or long-term substitution positions - the union continues to represent teachers at seventeen high schools in the Archdiocese

CTU [Camden] - one school's negotiations were conducted using the Interest Based Bargaining (IBB) process, under the auspices of the Federal Mediation and Conciliation Service - the use of the federal mediator is a free service of the FMCS - two of the five high schools represented by CTU will use the FMCS to facilitate Labor-Management Committees, again at no cost - secretaries at one school represented by CTU have signed authorization forms seeking representation - the union and school are in talks to set up the representative election

Queen of Peace [Newark] - the union filed a lawsuit to force the school's compliance with the contract, especially salary provisions - after the suit was filed, the school returned to the bargaining table - the union expects to conclude contract negotiations with an emphasis on the school's adherence to contract provisions

DETA [Buffalo] - among elementary schools closed at the end of the 2013-2014 school year by the diocese were four schools represented by DETA - the union is working to increase its representation among the non-union schools which remain

SWOCEA [Cincinnati] - in the process of seeking recognition by the Archdiocese - an effective public relations drive has resulted in strong parishioner/public support

SWOCEA officers Sherry Smith and Jennifer Teleha



Affiliated Locals

NACST @ St. John Vianney
(Diocese of Trenton NJ)
Helena Rosato

**Queen of Peace H.S.
Lay Teachers Association**
(Archdiocese of Newark NJ)
Lynn McGill

St. Denis Teachers Association
(Diocese of Trenton NJ)
Janne Darata

**St. Louis Archdiocesan
Teachers Association**
(Archdiocese of St. Louis MO)
Patricia Spellman

**St. Peter Prep
Teachers Association**
(Archdiocese of Newark NJ)
Steve Caslowitz

**St. Rose
Teachers Association**
(Diocese of Trenton NJ)
Karen Sullivan

**Scranton Diocese
Association of Catholic Teachers**
(Diocese of Scranton PA)

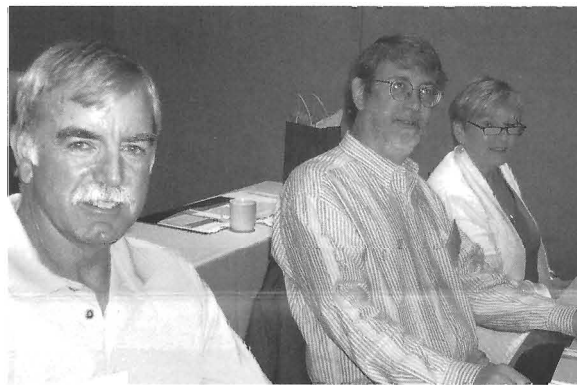
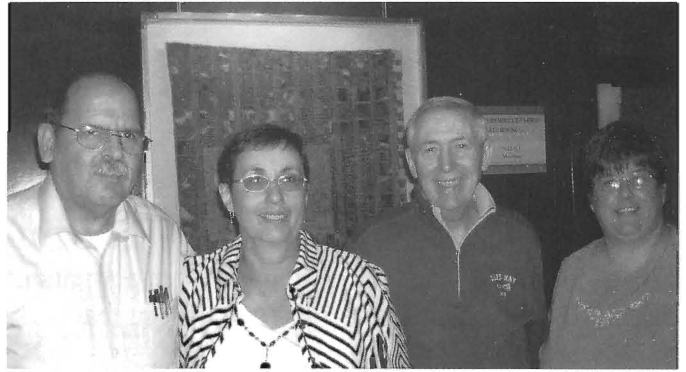
Secondary Lay Teachers Association
(Diocese of Buffalo NY)
Chris Rusin

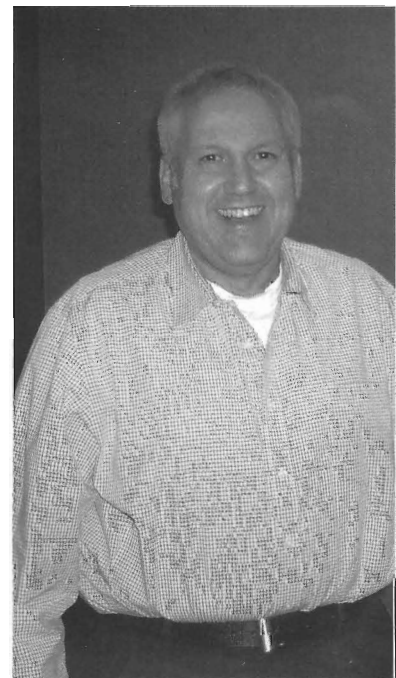
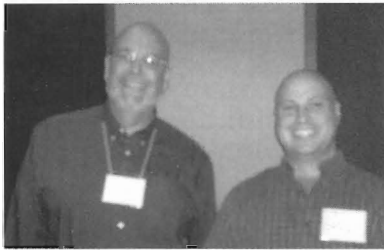
**South West Ohio Catholic
Educators Association**
(Archdiocese of Cincinnati OH)
Angie Gantt & Sherry Smith

**Union County Catholic
Education Association**
(Archdiocese of Newark NJ)
Marc Berger

**Youngstown Confederation of
Diocesan Teachers**
(Diocese of Youngstown OH)
Barbara McVickerr

At the 36th NACST Convention in Philadelphia ...





NACST Resolution in support of SWOCEA

The following resolution was unanimously adopted by delegates to the 36th NACST Convention.

Whereas, the Social Justice teachings of the Catholic Church have, for over 100 years, championed the rights of workers to organize and to bargain collectively in good faith; and

Whereas, the National Association of Catholic School Teachers strives, at all times, to ensure that the employer church practices what it preaches in the area of its own Social Justice Teachings; and

Whereas, teachers at work in the elementary and secondary schools of the Archdiocese of Cincinnati have expressed their desire to organize and bargain collectively with their employer; and

Whereas, the Archbishop of Cincinnati has publicly stated that "This social doctrine has long recognized that all people have the right to economic initiative, to productive work, to just wages and benefits, to decent working conditions, to organize and join unions or other associations, and to engage in collective bargaining;"

Therefore, be it resolved that the Delegates in attendance at the 2014 Convention of the National Association of Catholic School Teachers do hereby commend the leadership and members of the South West Ohio Catholic Educators Association and support their efforts to achieve recognition and collective bargaining for the teachers in the Archdiocese of Cincinnati elementary and secondary schools; and

Be it further resolved that the Delegates in attendance at the 2014 Convention of the National Association of Catholic School Teachers do hereby urge the Archdiocese of Cincinnati to meet with SWOCEA in good faith and work together to put into practice the social justice teachings of the Catholic Church.



SWOCEA Representatives Jennifer Teleha and Sherry Smith receiving a copy of the resolution from NACST President Rita Schwartz

Newsworthy is published four times throughout the school year by the National Association of Catholic School Teachers, Suite 903, 1700 Sansom St. Philadelphia, PA 19103 phone (215) 665-0993 or (800) 99 - NACST fax (215) 568-8270 email nacst.nacst@verizon.net.
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