

**Catholic School Teachers and Staff:  
Why Unionize?**

keep good teachers and support staff in Catholic schools by:

- putting the Church's labor teaching into practice
- having a voice in working conditions, salaries, and benefits
- fairly resolving legitimate disputes
- treating teachers with respect & professionalism

**Catholic School Teachers and Staff:  
How Can We Unionize?**

- by talking to your colleagues at school
- by becoming informed of locals in your area
- by contacting NACST:

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## Support Staff Organizes

Following a year of organizing efforts, seven secretaries [the entire secretarial staff] at a school in the Camden [NJ] diocese have voted to be represented by the Catholic Teachers Union - New Jersey, a NACST affiliated local.

Secretaries at Camden Catholic High School first met with CTU officers in March 2014 to discuss the possibility of representation. A majority of the secretaries executed authorization cards and the union informed the school that it was seeking recognition of CTU as the bargaining agent for the secretarial staff.

The school informed the union that it would agree to hold a representational election, but that three of the secretaries would be excluded under New Jersey law as "confidential" secretaries. The New Jersey Supreme Court had ruled in 1997 that employees in the state's Catholic school have the right to unionize under the state Constitution.

The ruling was the culmination of a lawsuit filed by the CTU [at the time, the South Jersey Catholic School Teachers Organization] on behalf of organizing Catholic elementary school teachers.

Under state law, then, the union prepared to proceed with an election

- cont'd on page 2

*ACT members rallying for social justice*



**In this issue...**

from the President.....p. 3  
 Why Unions? .....p. 4

progressive discipline.....p. 5  
 from the editor.....p. 6

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## Secretaries Organized

cont'd from p. 1

for all seven secretaries, rejecting the school's attempt to exclude any secretaries under the "confidential" classification.

While union and school attorneys were communicating about the proposed exclusions, the National Labor Relations Board in December 2014 issued a decision in a case involving Pacific Lutheran University.

That decision revisited NLRB jurisdiction in religiously affiliated schools.

In 1979 the US Supreme Court *Chicago Bishops* decision denied NLRB jurisdiction over teachers in Catholic elementary and high schools. Another federal Supreme Court decision, *Yeshiva University*, in 1980, extended the exclusion of NLRB to private colleges and universities. In light of federal court and NLRB decisions since *Yeshiva*, the exclusion has been modified.

The *Pacific Lutheran* ruling set revised standards for employee efforts to unionize under NLRB jurisdiction.

That ruling opened an avenue on the federal level, in addition to New Jersey courts, for CTU to seek representation for the secretaries. The union filed a petition for election with the NLRB at the beginning of February 2015.

During a break held during an NLRB hearing on the petition February 24, the school and union reached an agreement to hold a representation election for all seven secretaries.

The union subsequently withdrew the election petition filed with the NLRB, leaving the issue of NLRB jurisdiction over the secretaries unresolved.

The Camden Catholic secretaries voted March 19 to be represented by CTU.

The unionization of the secretaries marks the third time that NACST locals have represented Catholic school employees other than classroom teachers.

In the 1990's the Scranton Diocesan Association of Catholic Teachers negotiated contracts for all support staff at the diocesan St. Michael School for Boys.

For the past decade the St. Rose Teachers Association has represented teachers' aides at the New Jersey school.

Negotiations for the Camden Catholic secretaries are scheduled to begin shortly after the Easter break.

*from the President ...*

## THE TIME FOR EMPOWERMENT IS NOW

It is finally spring and the end of the school year is in sight. As annual contracts are being drawn up by employers for long-time teachers who are being “invited” back, NACST is, once again, reaching out to the thousands of teachers in Catholic elementary and secondary schools across the country who do not yet enjoy the benefits of union representation and a negotiated contract. The message of the National Association is simple: it is all about empowerment.

Teachers who are “employees at will” are not represented by a recognized union or under the protection of a mutually negotiated, legally binding contract. “At will” also means that school and diocesan officials are able to institute any and all rules. In this situation, there is no empowerment.

Union-represented teachers, like those who are affiliated with the National Association of Catholic School Teachers, know very well the benefits of representation. Representation means, among other things, a contract that defines seniority, sick and personal leave, rosters and teaching preferences, extra-curricular stipends, rules for teacher cutbacks and a grievance procedure.

For the many Catholic school teachers without union representation and a negotiated contract, this is a time of opportunity, the opportunity to approach the principal or diocesan superintendent with the social justice teachings of the Church in hand, and express your desire to engage in collective bargaining.

This is, precisely, what the elementary and high school teachers in the Archdiocese of Cincinnati did. They were armed with *The Statement on Collective Bargaining* issued in 2011 by their Archbishop and the other bishops of Ohio. That Statement was very clear that the Church’s social doctrine “has long recognized that all people have the right . . . to organize and join unions or other associations and to engage in collective bargaining.”

You may not have a direct statement from your bishop or archbishop, but you do have over 100 years of Catholic social teaching, encyclicals like Pope John Paul II’s *Laborem Exercens*, and the *Economic Pastoral*, written by the United States’ Bishops, as well as countless other documents exhorting the rights of workers, even those who labor in the Church’s vineyards.

*“All Church institutions must also fully recognize the rights of employees to organize and bargain collectively with the institution through whatever association or organization they freely choose.”*

The National Association of Catholic School Teachers continues to work with and fight for teachers in Catholic schools to help them achieve the rights the Catholic Church champions. Let us know how we can help you.



NACST President Rita Schwartz  
with officers of the newest NACST affiliate -  
Southwest Ohio Catholic Education Association

*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](http://www.act1776.com)  
Rita Schwartz

**Catholic Teachers Union - NJ**  
(Diocese of Camden NJ)  
[www.ctunj.com](http://www.ctunj.com)  
Bill Blumenstein

**Central Ohio Association of Catholic Educators**  
(Diocese of Columbus OH)  
[www.coace.com](http://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



*COACE delegates at the 2014 NACST Convention*

### Why Unions?

People with the same concerns often get together to talk and look for answers. That's exactly what a union is all about.

American workers have been joining together in democratic unions since the end of the 18th century.

Collective bargaining remains a uniquely American success story.

The way that unions address the most direct needs of their membership is through labor-management negotiations, sitting at a bargaining table with the employer.

Contracts are bargained by democratically elected union representatives who come to the table as equals of their management counterparts.

Through the give and take of the bargaining process, they establish equitable wages, working conditions, job safety and job security, and a system for resolving disputes - a grievance procedure.

*from AFL-CIO publications # 164 & P-189-0892-350*



*NACST members rally with local AFL-CIO union members*

## Labor-Management Issues: Progressive Discipline

based on a paper distributed at the 2013 Labor Arbitration Institute Program on Labor Law and Labor Arbitration

The rationale for the principle of progressive discipline is that discipline in the workplace is intended to be corrective rather than punitive. If discipline were punitive the employer would consider dismissal of an employee first, regardless of the "severity" of the employee's actions.

The principle is a benefit for an employee because he/she learns expectations of the employer.

The employer benefits because the school retains an experienced employee.

The principle of progressive discipline is inherent in every negotiated contract and in the concept of "just cause."

Most contracts contain provisions stating that employees may not be dismissed except for just cause. In schools, this applies to both tenured and non-tenured teachers.

For example, the principle does not anticipate that a teacher would be fired for failing to attend an in-service program without calling out sick.

The principle does not ignore more serious violations of workplace expectations, i.e. a teacher physically disciplining a student.

A contract is able to determine those circumstances and violations which are serious enough to warrant dismissal. Contracts often provide for a "ladder" of penalties for various violations of workplace expectations.

When an employee's actions are deemed to be violations low on the ladder, the principle of progressive discipline provides penalties short of dismissal

Those penalties are intended to correct the employee's actions.

Thus the process of progressive discipline starts with warnings, then, if there is no correction to the employee's violations, the process moves to suspensions of varying degrees, and, only if the violations continue, to dismissal.

Progressive discipline is a bedrock principle of the labor-management relationship.

Simply, discipline of an employee must be proportional to the severity of an offense.

### *Affiliated Locals*

**NACST @ St. John Viann y**  
(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)  
Dee Badach

**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)  
Sherry Smith

**Union County Catholic  
Education Association**  
(Archdiocese of Newark NJ)  
Jaclyn Church

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

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*Among the basic rights of the human person must be counted the right of freely  
founding labor unions.*

*These unions should be truly able to represent the workers and to contribute to the  
proper arrangement of economic life.*

*(#68, Gaudium et Spes, Vatican II)*

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*from the editor..*

## **Use NACST Resources to Organize All Employees**

Labor rights, according to 130 years of Roman Catholic Church social justice teaching, are inherent in the dignity of the human person and his/her labor.

Rights to form and join unions, to bargain collectively, for most US workers are protected and promoted by the National Labor Relations Act.

In 1979, in the *Chicago Bishops* decision, the US Supreme Court excluded Catholic school teachers from that protection.

For almost forty years NACST has been promoting those rights of Catholic school teachers, even without the protection of the US National Labor Relations Act.

In recent decisions the National Labor Relations Board [NLRB] has revisited the criteria employees at non-public schools can have under the protection of the legislation and court rulings subsequent to *Chicago Bishops*.

Thus, the secretaries at a New Jersey Catholic high school were set to explore the application of that protection.

While the secretaries held an election without NLRB jurisdiction, the time has come to test whether or not NLRB protection does extend to employees of the schools.

Through negotiation workshops, legal action, education in contractual relationships with employers, and job actions, the National Association of Catholic School Teachers has worked to put the Church's social justice teaching into practice.

In the majority of US Catholic schools, where all staff personnel are "employees at will," employees too often worry about job security and their ability to do the work they desire - to educate students.

Too often, the educational mission of the school is inhibited by staff concerns about working conditions, personality conflicts with administrators, or, simply, uncertainty.

Members of NACST have the experience and knowledge of representing teachers which can allay those concerns.

Employees at will can benefit from the experience and knowledge of NACST.

Teachers and staff members working under negotiated contracts have that essential aspect of working to fulfill the mission - job security. Such is not the case with employees at will.

While it would be nice to think that all members of the Church follow the moral imperatives associated with the dignity of the worker, experience has shown that, even as the Church actively promotes the rights of workers, individual bishops, pastors, and principals act contrary to those same moral principles.

NACST urges all Catholic school employees to put into practice the Church's social justice teaching.

To all employees at will in Catholic schools: use NACST to protect and promote your rights.

Contact NACST today.

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