



NACST Convention

The 40th Annual NACST Convention, according to many of the Delegates attending, was one of the best ever.

The Convention opened on Friday evening, October 5, with a Social, followed by the Report of the Locals. It was so good to catch up with everyone.

Saturday morning, the Delegates were officially welcomed by Kathryn Williams-Heese, President of the St. Louis Archdiocesan Teachers Association, the host local. SLATA was celebrating its 50th Anniversary as a Union.

The Keynote Speaker was NACST Counsel, Martin Milz, who conducted an interactive workshop on THE 7 TESTS OF JUST CAUSE. (Check out Paul Fitzpatrick’s Article on Page 5) The Delegates were placed into three groups – Employer, Union and Arbitrator. The Employer and Union groups were then given an actual case and asked to offer arguments on their differing positions to the Arbitrator. We all found it very challenging to argue from the employer perspective.

The afternoon portion of the program contained quite a bit of National business. There was the State of the Union Address, followed by the unanimous

from the President ...

**THE STATE OF THE UNION:
A YEAR OF CHALLENGES**

It is so good to see all of you. It is good for us to be together to share our stories and to learn from one another. This past year has not been the best time for Unions. For teachers unions, primarily those in public schools, it has been a year of militancy. That militancy has paid off, literally, in the recognition by quite a number of local and state governments of the need to raise teacher salaries.

The Janus Decision rendered by the U.S. Supreme Court dealt a blow to public employee Unions and the fair share policy. The Court took from these Unions their right to charge an Agency Fee to non-members for the work the Unions do – specifically negotiating contracts and policing the contract. Thankfully, Catholic teachers unions that have negotiated an Agency Shop Clause are not affected by the Janus Decision.

Catholic teachers union, however, are specifically affected by the effects of the sexual abuse scandal and the looming threat of dioceses filing for bankruptcy. Enrollment has already been impacted. Younger teachers will continue to leave because they do not see a future for themselves. The more senior teachers worry about their pensions as they prepare for retirement.

Our colleagues at Our Lay of Peace Academy in New Providence, New Jersey have been trying to complete negotiations for a new contract. Things have not been going well. The parish wants to take away previously negotiated benefits. The teachers are holding firm.

It is important for the Our Lady of Peace teachers to know that their NACST colleagues support them as they seek a fair and just contract settlement. I ask you, the leadership of our Catholic teacher unions, to vote your support of the Resolution. The Convention Resolution for 2018 challenging the Archdiocese and the bishops’ pastorals championing the right of workers, including the right to organize and bargain. Unfortunately, the social activism of Pope

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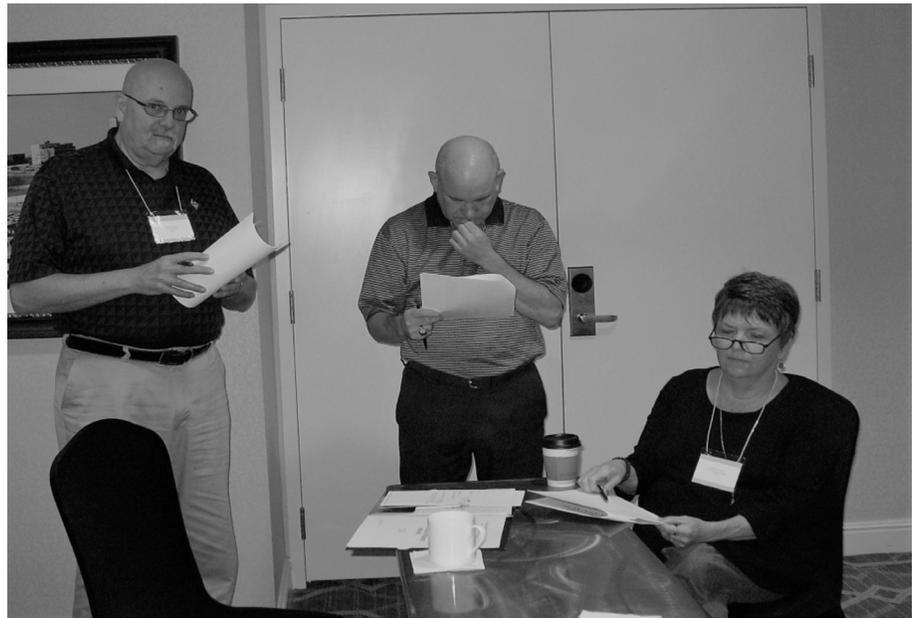
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passage of the Convention Resolution in support of the teachers at Our Lady of Peace Academy in New Providence, New Jersey. These teachers, members of the Union County Catholic Education Association, had been trying to negotiate a new contract for almost a year. The Union has negotiated a number of contracts over the past 20 + years. The current talks had come to a stand-still with both the Archdiocese and the parish wanting the teachers to give up hard-won benefits. The Resolution, which was sent to both the Superintendent and the pastor, appears on page 6. (I am happy to report that the contract was finally settled in November).

Saturday evening, the Delegates were treated by SLATA and NACST to a Dinner Cruise on the Mississippi River. It, certainly, was a wonderful way to end the Convention.



Francis is often lost somewhere in translation as is the annual Labor Day Statement by the US Bishops.

I can only wonder what life is like for the thousands and thousands of teachers in Catholic elementary and secondary schools who work each day without the protection of a negotiated contract, who, as employees-at-will, have only the rights and benefits which their employers say they have.

As I wish all who labor in the educational vineyards of the Catholic Church a happy and productive school year, I also pray that those who hunger and thirst for social justice are successful in their quest.

Let the National Association of Catholic School Teachers help to make that happen.

Rita



Reports of Locals

SLTA [Buffalo NY secondary schools] - the diocese has cut off all funding to the schools, resulting in the closure of 1 high school; the diocese has also stopped offering teachers the opportunity to buy into the diocesan health plan

CTU [Camden NJ] - the union again used Interest Based Bargaining to complete negotiations at 2 schools, members ratified the 4 year deals

ACT [Philadelphia] - the union membership ratified a 2 year contract with annual \$1200 salary increases and no increase in medical insurance premiums

DELTA [Worcester MA] - currently in negotiations with a diocesan team that has no individual school administrators

DETA [Buffalo NY elementary schools] - negotiations at 2 schools were concluded successfully, negotiations are underway at a third school



Affiliated Locals

Altoona Johnstown Catholic School Teachers Association
(Diocese of Altoona Johnstown PA)
Karen Blaisdell

Association of Catholic Teachers
(Archdiocese of Philadelphia PA)
Rita Schwartz

Catholic Teachers Union - NJ
(Diocese of Camden NJ)
Mary Kay Rossi

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

DELTA
(Diocese of Worcester MA)
Kate Harris

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

NACST @ St. John Vianney
(Diocese of Trenton NJ)
Lisa Lenn

St. Louis Archdiocesan Teachers Association
(Archdiocese of St. Louis MO)
Kathryn Williams-Heese

St. Rose Teachers Association
(Diocese of Trenton NJ)
Colleen Reilly & Laura Urspruch

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

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

THE SEVEN TESTS OF JUST CAUSE

Paul Fitzpatrick, NACST Secretary-Treasurer

Delegates to the 40th Annual NACST Convention in St. Louis were treated to a presentation by our legal counsel, Marty Milz, on defining “just cause,” a key component which any employer must prove in order to take disciplinary action against employees.

There are seven tests for fulfilling the requirement on the part of the employer, but the best, and most reliable, for presenting a challenge are the two involving discovery and investigation on their part. For example, litigation and arbitrator decisions dealing with suspensions and terminations will rely heavily on proof that the employer made an effort to discover whether or not the employee violated the work rule before it took disciplinary action.

An actual example of negligence on the part of the employer involved a situation where a teacher was suspended without pay for abusing sick days. The employer made only a cursory effort to discover the reason for the employee’s multiple absences and, when the punishment was challenged by the association, clear evidence was presented that the employee had been undergoing extended treatment for a medical condition. Such a legitimate reason, supported by physician notes and observations, would, of course not be in violation of any rules against the abuse of sick time.

The crucial standard that employers must meet involves conducting an investigation that is both fair and objective. Let’s again consider the case of the employee who’s “abusing” sick time. In this matter, photos allegedly showing the employee in question performing in a band during the period of absence were anonymously sent to the school principal. These photos were not time stamped so that the date and time of the performance could be definitively established. Additionally, the source of the photos could not be traced back to a credible source and it was impossible to determine if they had been altered in any way. Additionally, the school administration initiated and followed through on the investigation of this particular employee as a result of multiple complaints lodged by colleagues who were upset that they had to continually cover the teacher’s classes.



Thus, with regard to the photos and background information regarding this employee’s absence, the investigation was not conducted fairly and objectively. For example, a fair and objective investigation would have revealed physician clearance for the employee to perform his music as a strategy for stress relief. Additionally, the observations of disgruntled co-workers are naturally biased as the “witnesses” were motivated by somehow punishing their colleague. These individuals, having no knowledge of the teacher’s actual medical condition, cannot be

counted as objective or even knowledgeable about the person’s condition and their contributions should not have been factored into the decision to levy discipline against said employee.

Marty’s interactive presentation was definitely a hit, receiving a rating of Excellent on the overwhelming number of Delegates’ Convention Surveys.

The following resolution was passed unanimously at the 40th NACST Convention.

RESOLUTION
NATIONAL ASSOCIATION OF CATHOLIC SCHOOL TEACHERS
2018 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 the Academy of Our Lady of Peace, members of the Union County Catholic Education Association, have attempted without success to negotiate a successor collective bargaining agreement with Our Lady of Peace Parish and the Archdiocese of Newark; and

WHEREAS, Our Lady of Peace Parish and the Archdiocese of Newark continue to delay meeting for the purpose of coming to agreement on the contract;

THEREFORE, BE IT RESOLVED that the Delegates in attendance at the 2018 Convention of the National Association of Catholic School Teachers do hereby commend the leadership and members of the Union County Catholic Education Association and support their efforts to achieve a fair and equitable Agreement; and

BE IT FURTHER RESOLVED that the Delegates in attendance at the 2018 Convention of the National Association of Catholic School Teachers do hereby urge the pastor of Our Lady of Peace Parish and the Superintendent of Schools of the Archdiocese of Newark to negotiate in good faith with the leadership of the Union County Catholic Education Association so that the social justice teachings of the Church can be put into practice.

NACST New Office

NACST is moving January 14, 2019 to

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