



www.catholicscholarsforworkerjustice.org

STATEMENT OF SUPPORT
for
Catholic High School Teachers
of
The Lay Faculty Association, LIUNA Local 255,
of the
Archdiocese of New York

Catholic Scholars for Worker Justice (CSWJ) is an international association of scholars who are committed to Catholic Social Teaching on workers' rights. We are deeply troubled by the actions of the Archdiocese of New York toward the Lay Faculty Association that represents teachers at 10 Catholic high schools. In our view, these actions constitute union busting. We offer three comments on this matter:

I. Independent Schools and Independent Boards

We are aware that the last contract between the Lay Faculty Association (LFA) and the Archdiocese of New York represented by the Catholic High School Association (CHSA) expired August, 2007. We are also aware that after unsuccessful negotiations, including mediation, and a contested declaration of impasse the CHSA offer was imposed upon the teachers without the retroactive

pay that would have covered the 2007-2008 school year, and part of the 2008-2009 school year. Following this imposition of the CHSA contract, the Archdiocese announced in December, 2008 that each of the 10 schools of the LFA would become independent entities with independent Boards of Trustees effective September, 2009. The Administrations at each school were given the responsibility to create these Boards for the ten Catholic High Schools that are represented by the LFA with ultimate approval from the Archdiocese of New York. As a result the LFA now has to negotiate *ten separate contracts* instead of one. This makes it extremely difficult and cumbersome for the teachers to remain united and to speak with one voice. Making matters even more difficult is the fact that eight of the ten high school Administrations have retained the same Archdiocesan lawyer that unsuccessfully attempted to negotiate the 2007 contract. Two of the high schools with a different lawyer seem to be making greater progress towards fair and just contracts that restore much of what the teachers lost in the Terms and Conditions.

Whether intended or not, this new negotiation strategy on the part of the 10 independent high schools within the Archdiocese of New York appears to be an attempt to bust the Lay Faculty Association.

II. The Imposition of Terms and Conditions.

We are further aware that after the Archdiocese of New York dissolved the Catholic High School Association, the Administrations at each of the individual schools unilaterally imposed Terms and Conditions on teachers, which were signed under protest by the LFA, in April, 2009. These Terms and Conditions should have been negotiated with the union and the Administrations and boards should have made every effort to negotiate in a timely fashion so as to demonstrate goodwill toward all teachers. We understand that this unfortunate unilateral imposition is likely to occur again in April, 2010, unless or until a contract is negotiated. This will mark the second year in a row that many schools will have failed to pursue timely and good faith negotiations with the Lay Faculty Association. Surely, if the Administration and Boards were sincere in their efforts to bargain with the Lay Faculty Association, contractual matters could have, and should have, been resolved years ago. Justice delayed is justice denied.

Whether intended or not, the unilateral imposition of Terms and Conditions for employment on the part of the Administrations and Boards of the ten high schools appears to be an attempt to bust the Lay Faculty Association.

It should also be noted that as a result of the Terms and Conditions unilaterally imposed without negotiation many benefits gained by the LFA under previous contracts were removed. These include the sick bank teachers had accumulated, which impacts the most vulnerable teachers including veteran teachers, pregnant

teachers, and those facing surgery. In addition, retirement benefits including a supplemental pension program were frozen and TDA matches were cut.

III. Letter to the NLRB.

We are also aware that a teacher at Cardinal Hayes High School distributed a letter to fellow teachers that clearly gave the impression it was mailed to the National Labor Relations Board (NLRB). This letter was addressed to “Teresa” at the NLRB and it includes this statement: “Our discussion regarding the actions we can proceed with in regards to union representation at Cardinal Hayes was very helpful. *The direction you gave was clear and direct and much appreciated.*” (Emphasis added) The letter also states: “In following the suggestions from the NLRB, we have created a mission statement to clarify the position and guidelines of our new collective bargaining unit.”

Catholic Scholars for Worker Justice has investigated this matter and officials at the NLRB state that they never received the letter. Further, the NLRB official mentioned in the letter informed us that she merely described in general terms Board policy toward union elections and did not *in any way* give “directions” to the teacher in question. Further, we were informed that the NLRB in fact has no jurisdiction in this matter.

This is a matter of grave concern since it misrepresents communication with an official government agency and attempts to persuade the reader that, in effect, the NLRB supports the formation of an alternative union at Cardinal Hayes High School.

This letter failed to divide the teachers and to bust the existing union at Cardinal Hayes High School represented by the Lay Faculty Association. The majority of the teachers pay dues and have signed union authorization forms.

A CALL TO SOLIDARITY AND JUSTICE

These actions on the part of the Archdiocese of New York, the Administrations and the Boards of the ten high schools, and on the part of a teacher at Cardinal Hayes High School violate both the letter and the spirit of Catholic Social Teaching on labor unions.

Popes from Leo XIII (*Rerum Novarum*, 1891) to Benedict XVI (*Caritas in Veritate*, 2009) have urged faithful Catholics to “encourage” workers’ associations both to secure justice for workers and their families and to promote the universal common good. Indeed, the Church’s support for labor unions is so strong that it holds unions are “indispensable” for a just social order.* In *Economic Justice for*

All (1986), the United States Catholic Bishops strongly endorsed labor unions and stated: “We vehemently oppose violations of the freedom to associate, wherever they occur, for they are an intolerable attack on social solidarity.”

TO THE ADMINISTRATIONS AND BOARDS

We call on the Administrations and the Boards of the 10 Catholic High Schools in question to continue negotiations with the Lay Faculty Association with a view to agreeing on a fair and just contract for the three years covering the 2009-2012 school years. These negotiations should be conducted in a spirit of good-will and mutual respect. *Above all, they should be conducted in a timely manner.*

TO THE TEACHERS:

We strongly support the efforts of the Lay Faculty Association to faithfully represent all the teachers at the 10 Catholic High Schools where they are the recognized legitimate bargaining agent for the schools. We call upon teachers to support the Lay Faculty Association in its efforts to bargain collectively with each school Administration and Board. We urge you to stand in solidarity with one another and to resist any attempts to bust the union whether those attempts arise from within or without your ranks.

Finally, we are aware that the most important people in this matter are the students at the 10 Catholic High Schools represented by the Lay Faculty Association. We sincerely hope that they will witness Catholic Social Teaching at its best when the Administrations and Boards and the Lay Faculty Association conclude successful efforts to arrive at a fair and just contract for the teachers. We pray that what the students learn in the classroom about Catholic Social Teaching will be put into practice by the Administrations and Boards and the Lay Faculty Association. We call for consistency between word and deed.

CATHOLIC SCHOLARS FOR WORKER JUSTICE**

Issued on March 26, 2010

* For a remarkable summary of Catholic teaching on unions, see “THE RIGHTS OF WORKERS,” and “SOLIDARITY AMONG WORKERS” in the *Compendium of the Social Doctrine of the Church* (2004), pp. 132-140. See also CSWJ’s foundational statement, “Catholic Social Doctrine and Worker Justice” at our website: www.catholicscholarsforworkerjustice.org.

** Catholic Scholars for Worker Justice (CSWJ) is an independent association of scholars who support Catholic Social Teaching on Workers’ Rights. We were founded in 2008 to contribute to the scholarly development of Catholic Social Teaching and to support workers’ efforts to form or to keep unions at Catholic and secular institutions. Our website lists our Officers and Steering Committee and includes Statements of Support for workers at schools and hospitals across the country. While we base our statements on Catholic Social Teaching, we have no formal or legal connection to the bishops of the United States and we do not in any way speak for them. Our mailing address is: The Labor Guild, 85 Commercial Street, Weymouth, MA 02118. Telephone: 781-340-7887.

Email: info@catholicscholarsforworkerjustice.org