

## **TESTIMONY OF JOHN G. DEAN REGARDING HOUSE BILL 2626**

Members of the Committee,

My name is Jack Dean and I thank the Committee for allowing me the opportunity to provide testimony regarding House Bill 2626 which seeks to amend the Pennsylvania Labor Relations Act. By way of background, I am an attorney licensed to practice in the Commonwealth of Pennsylvania and maintain offices in Wilkes-Barre and Scranton. My wife, who is a medical professional, and I have two children who are elementary students in the Holy Redeemer School System which is the Catholic School System that provides Catholic education for children throughout Luzerne County. Specifically, my daughter, Noah, is a fifth grade student at St. Jude's in Mountaintop and my son, Matthew, just began kindergarten at St. Jude's. I must also note that my mother is a retired public school teacher having retired as a member of the American Federation of Teachers union from Pittston Area School District, my alma mater.

I currently serve as a member of the Board of Directors of the Holy Redeemer School System and have so served during the last two school years. In my private practice, I have been involved in and served as lead labor negotiator for multiple public school systems. I have also served as lead labor negotiator for municipalities as well as private entities. Accordingly, I have multiple years of collective bargaining experience under both the Pennsylvania Labor Relations Act and the National Labor Relations Act. Such experience in addition to labor negotiations includes litigating multiple grievances through arbitration to the Commonwealth Court as well as litigating unfair practice charges before the Pennsylvania Labor Relations Board. I am intimately familiar with the Public Employees Relations Act as well as the Public School Code. Prior to my

testimony today, I have reviewed the proposed amendment at issue and can categorically say that based on both my experience in Catholic education and labor law, the adoption of House Bill 2626 will have serious consequences and impinge on the rights guaranteed by the United States Constitution.

In that regard, with my young children, the youngest who just began his journey through Catholic education, my family has a great interest in the stability and religious identity of Catholic schools. Due to my involvement in labor negotiations in public schools, I know and it is undisputed that teachers' unions negotiate over non-economic issues as well as economic issues. Specifically, from my experience, I have first-hand knowledge that teacher's unions seek to negotiate over every item of employment from as significant as health care and wages to being requested to enter students grades and homework assignments onto a computer program so that parents may have instant access to same. As to the latter, despite the fact that the unions duly admitted that the computer generated program benefitted students, parents and did not require any additional work by the teachers, as it relieved them of other duties, they challenged same on the grounds that it is a negotiable item. Other examples of matters challenged as negotiable items include accompanying students to the bus and attending parent-teacher nights. While all of the foregoing may or may not be subject to negotiations for public school teachers under the Pennsylvania Labor Relations Act, bargaining over such non-economic terms will clearly impact the mission of Catholic education. Specifically, as a parent of children who are students in the Catholic School System, I do not want the school system to be compelled to bargain over any term or condition of employment that is an element of the religious mission or Catholic identity of the Catholic School. For example,

Catholic teachers accompany their students to Mass. Amending the Pennsylvania Labor Relations Act as requested, would certainly result in the unions seeking to bargain over whether their members would be required to accompany the students in their charge to Mass. Furthermore, the most troubling aspect of House Bill 2626 is the fact that it proposes to allow the Pennsylvania Labor Relations Board to make a determination as to whether the "religious employer" took action based on religious doctrine or whether religious doctrine was a pretext. It cannot be credibly argued that allowing the Pennsylvania Labor Relations Board - - a lay entity - - to make such a determination does not impinge upon the separation of church and state which our Founding Fathers held so dear.

Additionally, as part of my background, I have witnessed public school teacher strikes and have seen the disruption as a result thereof. While the Public Employee Relations Act as well as the Public School Code contains certain prerequisites regarding bargaining prior to a teacher strike, it is my understanding that the adoption of House Bill 2626 would not result in such prerequisites to a strike by Catholic School teachers. Moreover, to the extent it would be argued that the Public Employees Relation Act or the School Code's strike prerequisites can be made applicable to Catholic teachers, as evidenced by what has occurred in our very county over the last five years, what can be fairly characterized as minimal prerequisites do not safeguard children and parents from a disruptive teacher's strike. As I am sure you are aware, unlike other unions, public school teachers do not lose any salary as a result of a teacher's strike. Moreover, unlike other unions, public school teachers maintain their health benefits during strikes. Simply stated, the current draft of the Pennsylvania Public Employee's Relation Act and School

Code to the extent they should be amended, should be amended to provide a level playing field for negotiations between the employer and employee, to eliminate to great tilt in favor of the employers today.

Additionally, my review of House Bill 2626 does not limit the union to which Catholic school teachers may opt to join. This fact presents a very significant problem for parents of Catholic school students. Without such limitation, the teachers may join a union which does not support the Catholic mission and its values. If such happens, through our tuitions and diocesan money, House Bill 2626 will result in our money supporting positions and causes which are in direct contrast to Catholic tenets. As you are aware, certain unions which is their right, support matters such as pro-choice or birth control. Catholic school teachers joining said union which would be their right under House Bill 2626 would result in the Catholic Church and parents paying to support causes which are against our beliefs. The end result of the foregoing would either be House Bill 2626 being ruled as I anticipate unconstitutional or a significant reduction in the number of students attending Catholic schools resulting in loss of jobs and possibly schools.

In conclusion, my wife and I along with the parents of over 3,000 students in the Holy Redeemer School System chose Catholic education for our children. House Bill 2626 would constitute a governmental intrusion into our interest in the continuing stability and religious identity of our children's educational path and an unconstitutional impingement upon our rights to religious freedom.