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Teachers' Discrimination Lawsuit Against Archdiocese Survives

BY P.J. D'ANNUNZIO

Of the Legal Staff

A federal judge has denied the Archdiocese of Philadelphia's request to toss a discrimination case brought against it by Catholic school teachers who claim they were dismissed because of their age.

U.S. District Judge Mitchell S. Goldberg of the Eastern District of Pennsylvania rejected the archdiocese's claims that the teachers were unable to file Age Discrimination in Employment Act claims under the "ministerial exception" to the employment discrimination statutes.

The plaintiffs—Patricia Carothers, Patricia Green, Linda Murphy and Kathleen Tangradi—claimed they are classified as "lay" teachers as opposed to "religious personnel," Goldberg wrote in his order.

"Plaintiffs sufficiently allege that their primary duties were not ministerial in nature," Goldberg said. "They claim that at any given time, they were teaching at least three more secular classes than religion classes, and occasionally were not teaching any religion classes at all."

The plaintiffs received termination notices in January 2012 alerting them that their employment with St. Martha Parish would end at the conclusion of the school year, according to Goldberg. The plaintiffs allege that their terminations were based on predetermined "matrices" that were not shared with them.

Goldberg said the plaintiffs, whose age range was 59 to 63 years old, alleged they were the four oldest teachers at the school, where the average teacher's age was 43.

Carothers alleged she was told by the administration she had "everything," but did not fit into the matrix, and that she did not do enough outside of the classroom, according to Goldberg.

Green alleged the defendants told her she was being terminated because she did not have a bachelor's degree and because she had

trouble climbing the stairs. Goldberg said when Green informed the defendants that she climbed the stairs without difficulty and that she had passed the archdiocese's certification program, the defendants told her that her certification was outdated.

Tangradi was similarly told she was being terminated for not having a bachelor's degree, and when she notified the administration that she was certified, she was told her certification was outdated, according to Goldberg.

Murphy contended that she was let go because she didn't have any religious credits. After she informed the administration that she had "more credits than was required," Goldberg said, the administration told Murphy that she was "not certified."

All of the plaintiffs claimed age was the motivating factor in their dismissals, Goldberg said, and they filed suit in March.

The plaintiffs further claimed that they were designated lay personnel by the school, as evidenced by their employee handbooks and their benefits, allegedly "tailored for 'lay' teachers." They also said the archdiocese's staff reduction policies excluded religious personnel, according to Goldberg. The plaintiffs asserted that they taught secular subjects and when they did teach religious subjects, they had no decision-making power as to what to include or exclude in their teaching.

The archdiocese and St. Martha Parish claimed they were protected from the plaintiffs' suit under the ministerial exception, which "'precludes application of [the ADEA] to claims concerning the employment relationship between a religious institution and its ministers,'" Goldberg said.

In order to determine whether any of the plaintiffs qualified as a "ministerial employee," Goldberg said the court had to examine whether any of them "'played a substantial role in conveying the church's message and carrying out its mission.'"

The defendants pointed to the U.S. Court of Appeals for the Third Circuit decision in *Petruska v. Gannon University*, in which the

court looked to see if the plaintiff in that case had duties that constituted "teaching, spreading the faith, church governance, supervision of a religious order, or supervision of participation in religious ritual and worship," according to Goldberg.

The archdiocese argued the plaintiffs' duty of "teaching" as it related to *Petruska* brought them under the exception.

However, Goldberg said, "In *Petruska*, the plaintiff was a university chaplain at a Catholic university. She was appointed by the president of the university who was a Monsignor and admitted in her complaint that she was engaged in 'ministerial functions.' The plaintiff was clearly involved in 'church governance,' and was also a very vocal member of the university. Plaintiffs in the case before me have sufficiently alleged that their duties had significantly less entanglement with the religious mission of the school than those in *Petruska*."

[Laura Mattiacci](#) of [Console Law Offices](#) represented the plaintiffs and said, "Just because you're a church or religious organization, it doesn't mean that you have free rein to ignore the civil rights laws that protect employees in this country."

The archdiocese's attorney, Jacquelyn J. Ager of Conrad O'Brien, did not return a call seeking comment.

P.J. D'Annunzio can be contacted at 215-557-2315 or pdannunzio@alm.com. Follow him on Twitter @PJDannunzioTLI.

(Copies of the nine-page opinion in Carothers v. Archdiocese of Philadelphia, PICS No. 14-1567, are available from The Legal Intelligencer. Please call the Pennsylvania Instant Case Service at 800-276-PICS to order or for information.) •

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