

Not-so-new-Name

In its centenary year, the Courier revives and reviews a long history of continuous Catholic journalism in the Diocese of Rochester. Page 3.



Commission Members

Nine men and women are charged with examining the proposed plans to reorganize of the diocesan educational system. Page 6.

COURIER-JOURNAL

Catholic Diocese of Rochester

50 Cents

Thursday February 9, 1989

20 Pages



Linda Dow Hayes/Courier-Journal

VICTORY HUG — Moments after beating Cardinal Mopney 51-42 to win the Private-Parochial League Championship, Mercy's Catherine Robinson and Theresa Cutter share their excitement with a hug.

Plan to add benefits nixed by rising insurance costs

By Lee Strong

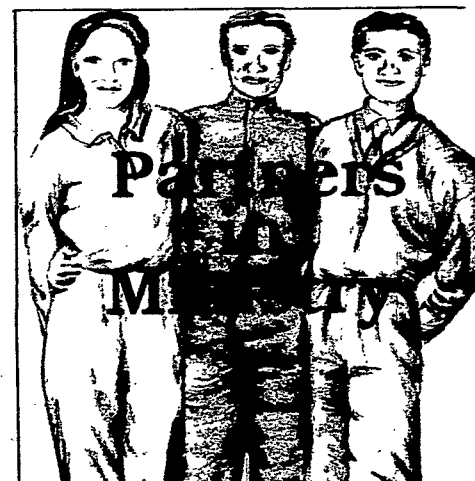
Massive health insurance premium increases have forced the Diocese of Rochester to scuttle planned improvements in its benefits package for diocesan employees during fiscal year 1989/90.

The premium increases — coupled with projected additional increases in 1990 and the overall cost of providing health care insurance for employees — have also compelled the diocese to require that employees hired after July 1, 1989, share the cost of their health insurance. Current employees and those hired before July 1 will continue to enjoy the present diocesan policy of paying the full cost of health insurance, but diocesan officials acknowledge that in future that policy may have to change.

The 1989/90 salary and benefits package, released Feb. 9 by the diocesan Personnel Commission, calls for a 4.2 percent wage increase for most diocesan employees, including priests, parish and school employees. This increase is a recommendation based on the Consumer Price Index. Teachers and school administrators, in the fourth year of a four-year plan to bring their salaries up to 100 percent of the median salaries for diocesan high school teachers and administrators, received higher increases. These increases varied according to years of service and education.

The package also contains an increase in mileage reimbursement from 20 to 23 cents per mile, and recommended salary guidelines for parish musicians. The latter are preliminary guidelines — first included in the diocesan compensation package in 1988/89 — which are likely to be formalized after a planned salary survey by the diocesan Salary and Benefits Committee.

A 31-member offshoot of the Personnel Commission, the Salary and Benefits Committee was expected to release the compensation package several weeks ago, but delayed until members could learn the exact size of the expected health insurance premium increases. Committee members were also awaiting results from



three diocesan employee groups surveyed regarding the benefits package. Mary Kessler, director of the diocesan Department of Personnel Services and a member of the committee, said that health insurance rate increases announced in January prevented the diocese from adding such benefits as a dental plan, long-term disability for parish employees and professional development money for employees currently not receiving any. "The committee struggled from last summer with several proposals to include additional benefits, but with the health insurance increases that were just announced, we were forced to table temporarily some benefits we wanted to add on," Kessler said.

In January, health insurance providers received approval from the state for an average premium increase of 25 percent. The premiums are expected to increase an additional 19 percent in 1990.

Committee members had realized that insurance premium increases were possible, according to committee chairwoman Mary Kay Oberst, but the size of the increase was unexpected. In preparing the salary and benefits package, the group conducted an impact study on the effects of these premium increases and of the overall salary and benefits increases on parishes. "We wanted to make sure we're not having some pie-in-the-sky ideals about what people are being paid," she said.

To further test the benefits package and the options being considered because of premium increases, committee members also met with three "focus groups," consisting of the Priests' Council and two groups representing cross sections of diocesan employees. The groups urged the diocese to continue to pay for health insurance for current employees.

"Our benefit package has been a recruitment tool," Kessler said. While the diocese is unable

Continued on page 10

Priest's attorney to appeal justice's decision

By Richard A. Kiley

A State Supreme Court justice's ruling to permanently bar anti-abortion activists from demonstrating on the grounds of Genesee Hospital and interfering with car or pedestrian traffic will be appealed, according to the attorney who represented a diocesan priest in the civil proceeding.

In a 27-page decision set down Friday, Feb. 3, Justice Myron E. Tillman ruled that limiting protest activity outside the hospital's grounds is not an infringement of the activists' constitutional rights.

"Persons entering the hospital or doctors' office building cannot help but be aware of the defendants' presence ... and may avail themselves of defendants' counsel by taking a slight detour to the sidewalk in front of the hospital," Tillman wrote in his decision, which granted a permanent injunction to the hospital. "Thus, defendants are afforded an adequate opportunity to employ their powers of persuasion. They have no constitutional right to pursue their intended audience onto the hospital's private property for the purpose of forcing their message upon the unwilling listener."

But Scott Smith, the attorney for Father Anthony P. Mugavero, said that Tillman's decision "went beyond what was in dispute" and that "the court went beyond the constitutional rights of the protesters on the sidewalks."

"Essentially the judge said that the defendants can be arrested as criminals ... because of

a civil injunction," Smith said. "The court is setting a very dangerous precedent in its attempt to mix criminal and civil law. The civil and criminal sides of law should be separate."

Smith objected to Tillman's specification that activists must stay on the sidewalk in single file and his restricting them from going within 10 feet of driveways or entrances to hospital property.

Tillman's decision stipulated that activists who gather outside the hospital and doctors' office building on Alexander Street for their weekly demonstrations may sing, talk, chant or shout as long as they don't make enough noise to upset patients inside the hospital.

Tillman wrote that Genesee Hospital is legally entitled to restrict any activity on its grounds that hospital officials find disturbing or troubling to patients and their friends and relatives or to hospital staff members.

"An individual's speech should not be subject to restraint merely because it may be annoying to others," Tillman wrote. "Therefore, no restriction on the content or volume of defendants' speech is appropriate or permissible at present."

Tillman did write, however, that "defendants are forewarned that should their shouting or other noise from the demonstrations cause disturbance to hospital patients, the court possesses the equitable power to react accordingly."

Smith said that Tillman's intertwining civil and criminal law and the ruling's "constitu-

tional infringement on First Amendment rights" were grounds for an appeal, which he said he will file within the 30 days allowed by law.

Father Mugavero could not be reached for comment over the weekend, and was in the Monroe County Jail Monday and Tuesday, Feb. 6-7. He was serving part of a sentence stemming from his arrest at the second protest of a Brighton physician's office last October.

Smith said he spoke with Father Mugavero over the weekend and that "obviously he was disappointed" in Tillman's decision. Nevertheless, Smith said that Father Mugavero was encouraged in that the ruling "may cause a ferment" for other anti-abortion activists.

David E. Long, executive director of Project Life of Rochester, called the ruling a victory because "it has come down very narrowly drawn."

"We already conduct our demonstrations the way he specifies us to ... such as not blocking ingress and egress or clogging the sidewalk," said Long, who also was a party to the Genesee Hospital trial. "Tillman has not given the broad judicial hammer that they (Genesee Hospital) were seeking."

During the last day of the civil trial last May, Joyce R. Parker, the hospital's attorney, attempted to show that activists have engaged in behavior "inappropriate and incompatible with hospital zones."

Continued on page 10

Index

Around the Diocese.....	Page 2
Calendar.....	Page 8
Classifieds.....	Page 17
Columnists.....	Page 14-15
Editorial & Opinion.....	Page 18
Entertainment.....	Page 9
Features.....	Page 7
Local News.....	Page 3 & 6
Sports.....	Page 12-13
World & Nation.....	Page 4-5
Youth.....	Page 11

