Interview with Eli Rock
June 14, 1975

I thought that preliminarily it might be well to see whatever I'm going to be talking about in two major categories -- one is that the larger problem of public sector labor relations in 1952 when the Clark administration came in and when I was hired -- and that's quite a story in itself because the Clark and Dilworth administrations were a big part of that story because Philadelphia became sort of a model that was watched by many other places and eventually followed.

I was hired in the Fall of 1952. The Clark administration had begun in January 1952. In large part through my friendship with you, Walter, and my availability at the time, the Clark administration hired me as a labor relations consultant. It was not a full-time job and I was, in the organizational scheme of things, I was responsible to the Personnel Director and through him to the Civil Service Commission. In other words I was part of the personnel department. I was not directly under the Mayor.

To get back to this other preliminary -- the other specific part of what I think I will be talking about is the specific labor relations problems that the Clark administration faced in 1952 and which I was hired to advise the administration on.

When did I terminate my services? I stayed with the City from the Fall of 1952 until Dilworth resigned in 1962 to run for Governor and I left about the same time that he did. Mayor Tate had asked me to stay on but I felt that I did not wish to stay on. Most of that ten years -- well, my role changed somewhat under Dilworth. I don't know that my title ever changed. I continued to be paid through the Personnel Department as a part-time consultant. Part-time often meant close to full-time, but it was not a full-time job. It could have been, but I did not want to make it a full-time job.

But whereas with Clark I was primarily involved in the problems of labor relations of the city's own employees with only an occasional sally out into the problems of the outside world -- the labor problems of say the waterfront or the PTC, Under Dilworth I spent more time on those other labor disputes.

Your next question is what was the state of city employee relations when you were first engaged by the city? This is something -- well, I think some of your subsequent questions deal with that. I will say that Clark had come in by and large with labor support.
Except for the city employee unions and perhaps one or two other unions that had Republican ties, he had complete labor support. Joe McDonough, the head of the Central Labor Union (that was the AFOFL central body, before the merger of the AFOFL and CIO) strongly supported Clark and was close to him personally. And the CIO, which had its separate central organization, also supported Clark very completely.

The City Employee Unions, of whom there were four at the time of the Clark election -- the Firemen's Union, the Policemen's Union, District Council 33 of the American Federation of State, County, and Municipal Workers (which I will hereafter refer to as District Council 33 or AFSCME) represented the bulk of the civilian employees, the non-uniformed forces; and in addition, there was an organization called the Civil Service Employees Association or something of that sort, headed by a man named Dennis Welch, which also represented non-uniformed employees of the city and which had been permitted to exist under the old administration. Now all four of these unions, as I recall, supported the Republican administration in the election of 1951, perhaps to varying degrees and perhaps again you might remember more of that than I know because I was not yet working for the administration. But this was a handicap that the unions, in effect, had when Clark won. And there was an immediate problem of relationship because they backed the wrong horse and the Clark administration could not help but feel somewhat negatively towards the unions.

That was just one problem. A more basic problem, perhaps, was the problem of transition from a system in which labor relations had been very political in the literal sense -- the Republicans had treated their employees as people who were politically beholden to them and the unions that represented these employees did not bargain in the normal sense of two equals bargaining but really were another group working through the political parties to get favors for people and the unions in effect certainly spoke for their members, but the way to get results was to persuade the politicians and do favors for the politicians, perhaps; and in a sense this was kind of regarded as a way for the politicians to do favors for the employees or the unions in return for which the unions would promise to support them in the elections. That was the bargaining power -- supporting in the election -- and the unions had very close ties, therefore, with this Republican machine in Philadelphia which had been in existence forever and when the unions began to appear in the 30's and the 40's they had no reason to believe that it would ever be otherwise so they made it their business to learn how the live with the Republican machine.

Now the policemen and firemen did not basically when Clark came in change their method of bargaining and really the whole story that I will have to tell has to make some
distinctions between the dealings with the police and fire unions and the dealings with the civilian unions. But one of the first problems was that the Republicans had promised District Council 33, which was headed up by a man named William Macanty, who was a former garbage collector who had not gone beyond the sixth grade and was orphaned at an early age and raised by aunts and uncles and somehow around the late 30's or early 40's when wages were just so unbearably low he had begun this union which later became affiliated I believe with AFSMI. Bill Macanty was the important figure of the power in District Council 33. Now in anticipation of the election, one of the issues on which the union had long fought was the reduction of the number of hours in the work week and the old Samuel Republican administration just before the election had signed an agreement to give the members of District Council 33 a 40-hour week. It was done after the election -- they promised it before the election in '51 -- well, I'm just not sure. The important aspect from my knowledge when I came into the picture a year later was that the Republicans had not appropriated enough money for it. In other words, they gave the 40-hour week to the employees. It was written into the contract, but they never appropriated any money for it because that would have meant a tax increase. And the Clark administration came in and after the Republicans had promised it (now I recall), then after the election with a lame-duck city council they passed an ordinance giving it to the District Council 33 because they'd promised it to them before the election but that lame-duck council again had no money or had no money to appropriate for it so one of the first things the Clark administrations inherited was a question of a 40-hour week that had been given for blatantly political purposes without even any money to pay for it; so right off the bat the Clark administration revoked the 40-hour week.

Now this was done in the early part of '52 and from a labor union point of view, from the point of view of a Joe McDunnough, who was head of the AFL Central Labor Union, with which Bill Macanty and District Council were affiliated and Bill Macanty was one of the stronger figures in the Central Labor Union. This was just about the greatest scene imaginable -- something that had been collectively bargained -- it was written into a labor union contract and then to revoke it afterwards as Clark did immediately set him off on a very bad footing in terms of his relationship to the AFofL and with District Council 33.

There were other very troublesome problems. Incidentally, as a result of these and other problems, the Clark administration became totally alienated from the AFofL Central Labor Union and District Council 33. I'll mention a few of the other problems. There were frequent talks of strikes by the union during '52 and Joe McDunnough.
felt totally betrayed by Clark. It was a relationship that turned completely from love to hate. McDunnough felt that he had been taken advantage of and he was a pretty emotional guy to begin with and he just broke off completely with Clark. And from time to time when Clark had some problems he would try to call McDunnough and McDunnough wouldn't take his phone calls, which was a very painful experience for Clark.

Among the other problems there was the simple, but most difficult problem of how do you make a transition from a corrupt completely form of government, which was the old administration, to the reform merit system type of government that was ushered in at the time that Clark was elected. Where do labor unions fit into that picture where presumably all of the shots are called personnel matters by the Civil Service Commission? This was the intent of the new charter -- personnel had been traditionally a major source of political strength for political machines everywhere and it still is. The appointments, favoritism on a political basis, is the life-blood of many political machines in big cities and always has been and the charter was designed to change all of this because the experience had been so unusually bad in Philadelphia and the charter contemplated going to almost the complete opposite extreme where there would be a total lack of any kind of "outside influence" in these personnel policies. Everything would be done by a Simon Pure clean Civil Service Commission and a Personnel Director and where does a union fit into this picture?

Well, this longstanding union that had been born out of real strife and controversy and had been nursed to a position of considerable strength by Bill Macanty was scared as to what its future might be and as a matter of fact because of this problem and because particularly of the concerns of Frank Escabido, who was the City's second personnel director -- I believe Maylen was the first one but I never met him. When I came in Escabido was the Personnel Director. Maylen stayed just briefly and then went to New Jersey, but Escabido, who merits a long discussion just himself, was I think for all meaningful purposes was the City's first Personnel Director. He was Simon Pure with a vengeance. The Unions to him were just one more political pressure group that would compromise the system and he had grave doubts about it and when he talked this way to the unions the unions became very frightened.

So the whole question of how to integrate collective bargaining, particularly for the civilian employees, but to some extent also for the uniformed forces, into the new civil service set-up was a major crisis.
We had, at the time we've been talking about, no city had any strong labor unions to speak of. Probably Philadelphia had the strongest labor unions at the time and perhaps was the only city of any significance which had a written labor contract with its employees which the Republicans had entered into in the early -- 1942 or 1944 -- with District Council 33. And so that on the one hand you had these very serious problems and on the other hand you probably had a more advanced development of labor unions in this city than in any other city in the country. Somehow this had developed in Philadelphia. So that was a problem.

Also I think I mentioned earlier this whole question of the pay plan. One of the steps that was taken under the new reform administration, under the new charter, was a pay plan developed for -- a classification plan and a pay plan -- for the employees. Someone with vision who, in the drafting of the charter, realized that if you were to have a decent, efficiently run government, you had to undo the old system in which the way people were paid and classified was largely the product of political favoritism and who knew whom; and two people doing the same job might be getting totally different salaries simply because one of them had more political clout than the other and no organization can be run this way -- it causes great dissatisfaction between people if they feel they get paid differently for doing the same job. And the better qualified person may be getting much less than the inferior person, because even in those days private industry had come to recognize the need for job evaluations, classifications by skill and function and what-not in which all the people once they were classified based on a job evaluation were then to be so labelled and then the salary plan was geared to the classification plan so that whole groups of people would be paid properly in relationship to the skills, the training, and so forth, required for each classification.

Now that was a big job and it was going to take a lot of work and in order to have it ready for the next year, I think it had to be made effective in the budget for the year 1953. In order to do that it was necessary to evaluate thousands of jobs, and people had to be spoken to. The Clark administration had to move fast in '52 to do this. Outside experts had to be brought in. Some Chicago outfit was retained to do the job. The personnel staff of the city had to work with them. A whole staff had to be hired, incidentally. There were great burdens on the personnel department and on the Civil Service Commission. In addition, there was turn-over. There was a new Personnel Director. There was turn-over on the Civil Service Commission itself. I mention all of this only to say that it should be no surprise that in planning for this major program of setting up a classification and pay plan, apparently no one in the city thought of
consulting with the union about it or asking for union participation in it. This is something that unions in the private sector would be very much a part of. They might not be involved in the actual preparation of the plan -- that is the actual surveying of jobs and how to rate the jobs in relationship to each other. But they at least would want to be consulted in how it would be done before the money was actually put into the plan and what would be paid for each classification. They would normally be consulted.

Apparently none of this was done with the unions in Philadelphia and by the Fall of 1952 when we came in the plan was close to completion and would involve the distribution of quite a lot of money -- increased wages for some of these jobs that had been underpaid, and it was going to be presented to the union as a fait accompli. They were very concerned about that.

Another problem was the Civil Service Employees Association headed by Dennis Welch, which I mentioned earlier. Now we had the policemen and firemen. They had their concerns about the new administration. Mostly I think they were afraid that they would simply not have the same political clout nor the same public relations clout. Policemen and firemen in large measure for many years afterwards relied on the public relations image of a policeman and fireman who was constantly exposed to danger -- who is ready to lay down his life for the taxpayer -- and therefore he should get annual wage increases and he should be treated well and the politicians generally were amenable to that sort of appeal because it made for good votes. They could excuse tax increases that float from a salary increase for policemen and firemen and generally because of that clout policemen and firemen did better than the others. They were afraid in the Clark administration, the unions of these two groups that they might lose that advantage under a government that was approaching all problems in terms of meritoriousness of claims rather than in terms of who knows whom and who has the political clout.

Now that was a problem -- the concern of the policemen and firemen. And there there is this last problem -- the role of the Civil Service Employees Association in the new government. This group had represented really a sort of a motley assortment of white collar people mostly, including some supervisors and they weren't really a union so much as a kind of an association -- a beneficial social association. But they got some life insurance, they paid very little dues, and I believe they would appear before City Council and ask for wage increases in public hearings, but nobody had taken them very seriously. They didn't have any written contract like District Council 33 had and District Council 33 had never regarded them as a real rival and tolerated them under the old administration. And also the old administration and politicians
in general liked to have an open door for anybody who claimed to speak for anyone. So if a Denny Welsch came and said "Look I've got 500 members that I've signed up. They belong to my organization. I want to speak for them." The politician is used to having any taxpayer to come in and speak for his constituents. And what happened, though, with Denny Welsch's organization in the election of 1971 was that with the strong AFofL-CIO support for Clark and with Welsch having had no affiliation with the AFofL or CIO at that time and with Macanty having such an affiliation, Welsch was afraid that he might be squeezed out altogether when the Clark administration would win. So he became affiliated with the CIO, which was then still separate from the AFofL and now he was a union and now since he was legitimate he wanted to have a written contract, too. Well, the Clark administration in 1952 was not even certain it was going to renew Macanty's contract, which was a major issue with Macanty; and one of the reasons for the extreme tension between the city and District Council 33 was that they just basically questioned -- the law department basically questioned whether you could have a collective bargaining agreement -- a written contract -- with a labor union under a new charter. You add to that the threat that even if District Council 33 were to get a contract there might now be a written contract given to another union, which represented only a fraction of the number of people that District Council 33 represented and this was one more red flag waved in the eyes of the AFofL.

Well, Clark did not know how to handle that -- he wasn't experienced in labor relations -- and the CIO capitalized on that and said -- they used the old political approach. The political approach by pressure groups didn't stop just because Clark was elected and the new charter was passed. People still behaved in ways that come natural and one way that comes natural is to come in and pound the desk of a public servant and say we voted for you and now you better give us this. So the various powers in the CIO -- Harry Block -- and I guess maybe Joe Kelly was the head of the CIO at that time because come to think of it I think he came in in those days. Plus national labor leaders who were the head of the particular CIO union which was then called the Government and civic employees organizing committee. That was the group with which Denny Welsch became affiliated. Those guys came into Philadelphia together with Harry Block, together with Joe Kelly and other CIO people, and they pounded the table and said "You've given Macanty a contract and whatever you do for him we want you to do for us, too. We want you to recognize us." So in 1952 that was one more problem and one more element of strain between the Clark administration and the major union which was District Council 33. Those were the problems.
I think your next question would be to describe how my role evolved and what my relationship was to the various departments and what services you rendered. I mentioned that I was on the payroll of the Personnel Department, which was really the department administered and supervised by the Civil Service Commission under the new charter and that put me into a very close relationship first and foremost with the Personnel Director and the Civil Service Commission. But I had been interviewed in the first instance by Clark and these problems that I describe that the city had with the labor unions were not only problems for the Personnel Department and the Civil Service Commission but were important political problems for Clark. They involved his political relationships with the labor movement in Philadelphia, as I've indicated.

Initially, I suppose I spent most of my time with Frank Escabido, the man who was Personnel Director when I came in, and with the Civil Service Commission discussing the negotiations with the unions. I came in I think in October or November of 1952. The budget for the next year was due to become effective January 1st. That budget was supposed to deal with wages and fringe benefits for employees. There had been some negotiations between the city and the various unions, but for the most part the unions didn't have an experience of negotiations in the private industry sense. Traditionally in the public sector in those days and for many years afterwards in most other places as I've indicated the union was a kind of a political organization. It would certainly talk to individual people -- the head of the union might come in and talk to the man and say, "Mr. Mayor, we want this this year." And the Mayor would listen. And the union would come in at the time there were budget hearings before City Council. All of the organizations, including Denny Welsch's would come in and say, "We must have this much money." But it was just a political lobbying group like many others.

We had all of these problems with District Council 33 that I've described and that was -- the timing was an absolutely scarifying problem as far as they were concerned. They scared me. In fact after I was hired I quit a week later when I saw the dimensions and the impossibility -- what I thought was the impossibility of the problems I would have especially with District Council 33. Nobody had told me how difficult they would be. But Frank Escabido persuaded me to continue.

Police and fire weren't ready and they would come in and make the same kind of pitch before City Council in 1952 that they always had and they would appear before the Personnel Director and the Civil Service Commission and everybody else and it was just a lobbying kind of role and the problems were not complex. There was the uncertainty of a relationship because as I indicated they supported the other administration. But the really difficult problem was the fact that we had something like six weeks or two months to submit the budget.
But there were so many problems that had to be worked out in that very short period of time affecting District Council 33, including for example, this claim — I forgot to mention that the union, District Council 33, after the Clark administration had revoked the 40-hour week that the lame-duck Republicans had given to District Council 33, the union instituted a law suit and asking for that money. They said the city had made a promise in the contract and the Clark administration had no right to cancel that contract and there was a claim for several million dollars of overtime pay for the extra four hours a week that the people worked. They didn't -- the city had kept the 44-hour week for most of the civilian employees who had been promised a 40-hour week by the old administration, so the union claimed that they should now get overtime pay for the extra 4 hours each employee had worked each week since January 1, 1952 on. And there was this big law suit. And they had gotten a decision from Judge Truscott, I think, in their favor. No, Truscott was the lawyer who represented District Council 33, but they had gotten a decision from one of the courts in their favor. The city of course had appealed that but that whole issue was also a part of the picture. These were problems that all had to be resolved before January 1, 1953 and we talked about -- when I came in I initially talked to the Civil Service Commission and to Escabido and his deputy, Foster Roser, about these various problems. We went through the motions of negotiating with the policemen and firemen but they didn't ask for any written contract or collective bargaining agreement and there wasn't any particular time bind as far as they were concerned. But the whole question of whether or not District Council 33 would again get a written contract and how that contract would deal with all of these issues that I described was an enormously complex problem and we had two months in which to deal with those problems. At a time when the classification of pay plans hadn't even been completed yet. We couldn't even yet show it to the union to tell them what we were prepared to do unilaterally on this. So that this is why when I saw what faced me, I quit. But somehow we got through them all and later on I can describe how we resolved these various problems. But in the late -- in late '52, your question here indicated what my relationship was to the various departments. In late '52 I worked primarily with the Personnel Department and the Mayor and City Council and the Civil Service Commission on the details of our negotiations. So I didn't have much time in '52 or much need, really, to deal with individual department heads. I did attend a few cabinet meetings in the Managing Director's office with Buck Sawyer, keeping them informed with what we were doing.
Later on I think I had to work more with the Department Heads but in 1952 I mostly worked with the groups I mentioned. Now this might be a good time to point out the structural difficulties of having collective bargaining in a governmental situation. Authority is greatly divided on the governmental side. It certainly was so in the City of Philadelphia under the new charter. No matter how it is divided, in a city like Chicago, a Mayor Daley is the authority and you just really deal with him. But the new charter certainly wouldn't have contemplated that and the structure of government in the new charter guarded quite clearly against that. So that a decision involving the employees -- what wage increase should be given. A basic budget decision of that sort which was fundamental to my role, representing the city in collective bargaining with the unions, was something that would have to be passed upon by the Civil Service Commission -- the Personnel Director, the Mayor, who submitted the budget, and eventually the City Council. How could I bargain with the union and say, "The City will offer you this." This was a strong union, remember. District Council 33 was not just a union that you would say, "Well, this is it." But more than that, the City wanted to get away from the old political system whereby in some back room a deal would be made between the politicians and District Council 33 as to what would be given, and then there was a facade of public hearings where the City would appear and ask if (garbled). I should make this point. I don't think it was just an accident that Philadelphia pioneered in collective bargaining among public employees in the United States. The city affirmatively wanted to get away from the old kind of political mutual back-scratching because inherent in that system was the favoritism, the inefficiency, everything else that the new charter was designed to change. And I think the Clark administration -- all of us collectively -- wanted to do this. The cabinet, actually was not Buck Sawyer's commission. The cabinet was you and the Managing Director, and the Finance Director, and the City Solicitor, and the Mayor. When I talked of the cabinet earlier in Buck Sawyer's office that was wrong. That was his commissioners. But anyway, I think the city affirmatively decided it wanted collective bargaining of the type that the private sector had as something to be preferred to the old political lobbying method. It felt this fitted better with the merit system and it was more dignified for the employees. It gave the employees a greater sense of worth if they could participate in this way in the governance of their job.

So we wanted collective bargaining and here I was -- an outsider with very little experience in local government, but a lot of experience with private sector collective bargaining in jobs that I had with the Federal government and that's all I knew really about collective bargaining and I was delighted to have that kind of collective bargaining; so while this just wouldn't have worked with the policemen and firemen, they didn't care about the
merit system and they felt they could do better by this public appeal of the boys in blue who were constantly risking their lives and collective bargaining, give and take, mutual participation and all that -- those were just words to them. Because they had always done better than the civilian employees by virtue of their image and public relations policy, so you could quickly sense that this was something at this stage of history that they were interested in. But Macanty, although he had been a product of the old political system of the Republicans, was also part of a national organization that was headed at that time and had been started, really, by people who believed very strongly in the Civil Service Commission. Arnold Zander, the National president of the union at that time, had worked for the Wisconsin Civil Service Commission before he became a union leader -- he worked his way up -- and this was the official AFofL union for government employees and in Macanty's years in that organization he had soaked up a lot of the idea of good government in civil service commission as something that was good for the employees as opposed to the old political system. He basically didn't like the system whereby employees had to perform politically to keep their jobs -- had to do things that the politicians told them to do -- there was this system whereby each ward could only have a set quota of employees working for the city. All sorts of things that Macanty inherently did not like.

So that our idea of -- I think perhaps that this is something that I brought to the fore when I came in -- I imagine that it was in the thoughts of Clark and his cabinet, but perhaps I articulated it and this helped the improvement in our relationships and helped make the turn of the road with District Council 33 that eventually became a great success by the end of the year.

In order to have give and take and collective bargaining of this type -- in order to have mutual participation in a dignified, efficient sense -- there were some problems of structure. Charter, as I indicated, didn't even contemplate the existence of unions -- well, it did -- there was a provision for labor relations and was a subject that would be handled by the Personnel Director primarily. But there was no thought by the charter framers to this idea that collective bargaining as opposed to lobbying was something that was uniquely right for a new government such as that ushered in by the new charter.

But the charter wasn't written with the view in mind that there would be collective bargaining. I can't find it at the moment, but there is some reference in the charter to employee relations or dealing with unions or something, but certainly the people who drafted the charter didn't visualize specifically this affirmative approach to collective
bargaining and something consistent with good government and how to integrate that into the merit system procedures that the charter provides for. The decisions for employees, regarding the working conditions of employees, and their benefits and so forth, were an extremely sensitive area. This was the one thing the merit system was going to protect and the decisions were very carefully given by the charter to the Civil Service Commission and the Personnel Director -- the responsibilities were. And the money for whatever programs the Civil Service Commission and the Personnel Director were going to enact would have to come out of the budget prepared by the Mayor and approved by City Council. In order to have give and take collective bargaining with such a division of authority on the management side, as it were, there had to be a great deal of constant liaison and preparatory work. You see, in private industry collective bargaining is relatively simple -- you have a participant basically on each side. The union speaks for its members and generally there is one union for the whole bargaining unit and somebody that the corporation president has delegated the authority to make the decisions for the corporation. But in the public sector, this division of authority on the management side -- how do you have collective bargaining? Collective bargaining means constant changes of position -- one side makes a request or a demand and the other side says something else and there is trading -- you reach tentative agreements on one thing and go back and change that agreement as you reach other agreements on other things and you finally agree to give x-amount of money for this and x-amount of money for that -- or certain benefits which will cost x-amount of money. But under our charter, first of all, the Civil Service Commission really is supposed to have the authority to enact regulations which deal with all matters relating to personnel and working conditions -- in other words, everything you would talk to a union about, the charter really gives the authority to the Civil Service Commission to decide.

And the charter does not say that the Civil Service Commission should share that authority with a union in collective bargaining. We would have to get -- the Civil Service Commission because of the realities of the situation -- we had unions that were strong and really a liberal administration like the Clark administration was not going to go down in history as a union-busting administration. So the unions were going to be around and we were going to deal with them and we had to recognize that whatever we might agree on in collective bargaining the Civil Service Commission would later have to put into the form of Civil Service regulations. And theoretically, at least, the Civil Service Commission might refuse to enact into regulations what we had negotiated with the unions. So we had to keep the Civil Service Commission constantly
informed during our negotiations to make certain that anything that we might agree upon with the union would be acceptable to the Civil Service Commission for subsequent enactment into regulations and we went back and forth with the commission to make sure that they would authorize us to make certain offers and that they would agree with them. Now that was only one of the bodies that we consulted with. We spent a great deal of time consulting with the Mayor and his cabinet because the budget would be prepared by the Mayor and his cabinet. The money for whatever we might agree upon would be prepared by them. Therefore we had to be sure that whatever we might agree upon with the union would be acceptable with them and finally the City Council had to be consulted because they don't necessarily emphatically approve budgets, so they had to be in agreement with us and we had this problem -- that collective bargaining is a poker playing game. It really -- there really is a certain skill in negotiating and you don't put your cards on the table all at once -- you want to get concessions from the other side on various things so you hold back certain offers.

In the fish bowl, which is the public sector, there are great dangers that things would leak out to the union. The union will know ahead of time what we're prepared to do -- say as a last position, if we have to. But hopefully we might want to settle for something less than that last position in the actual negotiations, but if the union finds out what our ultimate position is -- if we have to take that position, then they will hold out for that ultimate position. Well, how do you consult with all these various people without something like that leaking out to the union? This meant we couldn't consult with the whole City Council, but we did consult with a couple of chief members of City Council, principally Finnegan and I'm talking at this point entirely about our first year -- 1952, which was really the crucial period which determined the whole course of our subsequent labor relations, at least for the next ten years, and so Jim Finnegan, the first President of City Council, was vitally important in that period and I guess Victor Moore, as the Chairman of the Finance Committee we also consulted with at that time.
But all these clearances and consultations had to take place, along with the actual negotiations with the union and it was some job, those last two months of 1952, considering the difficulty and complexity of the problems that had to be resolved.

I'm not certain Victor Moore was the Chairman of the Finance Committee at that time, but we can clear that up later.

In any event, this discussion was in relation to question number 6, which dealt with my relationship with the commissioners and I was simply pointing out from this description of the other problems that I had that relationships with the commissioners were not important in that latter part of 1952 when I've described the other problems.

Question 6 asks whether I attended the commissioner's meetings during the Clark administration and thereafter. I think I attended them primarily during the first part of the Clark administration when there was a good deal of interest in what we were doing by the commissioners and a good deal of educating had to be done by us for the commissioners. They wondered what the unions were going to do -- what role they were going to have. As public administrators with or without experience they'd had in the public administration field, they had had rare dealings with unions and a good deal of the attitude was the same as I think Frank Escabido's was at that point -- that here was just another pressure group that is trying to get good government to compromise in some way in various directions and it would make for inefficiency and politics rather than good government.

Buck Sawyer had me attend many of his meetings and some of them I remember quite distinctly. He was of course the Managing Director in the Clark administration and he really wanted me to educate his commissioners. He had more of I think an acceptance of the idea of unions in the city despite the fact that District Council 33 had really supported the prior administration in the election and the police and fire, particularly the firemen, had a representative named Jim Forbes who was just generally obnoxious to everybody, but basically Buck knew that there had to be a place for the unions; but instead of passing the ball to me, who explained to his commissioners why this was necessary -- and people like Sam Baxter, for example, had reservations even though the unions and the water department for a long time. I had a number of verbal battles with the commissioners in those days.
I had forgotten whether we also had some specific issues that were discussed in those Commissioner's meetings -- I'm pretty sure that there were some questions that came up, but basically I recall a kind of hostility to the idea of unions by some of the Commissioners and my job as somebody who had experience with unions and who was brought in to handle that problem for the city was to convey to these men why the unions were here to stay and we would have to learn to live with them. There would be, of course individual grievances -- not limited to individual people -- but grievances would come up within the departments where the union would come in and represent its people on a grievance affecting one or more people and the commissioners in the grievance procedure would get into those at the second or third level and might have to pass on the judgment of their lower people in the particular matter and they might have to overrule them. So it was important to give them some education in this field -- I don't know that I attended a lot of meetings -- but there must have been two or three in those days and I don't recall attending many meetings with the commissioners thereafter. I may have from time to time over the years -- I may have come in once and a while to explain where we stood in the negotiations, but by later years the Managing Director, I think, could do that himself. And I think this again is something where my role was primarily limited to the first part of my experience with the city.

(WMP: Eli a question which I don't think I put down is -- to what extent did you have to work with the Commissioners to get them to understand the negotiating process -- to get them tolerant of the unions and learn how to deal with the unions without getting hot under the collar and to educate them to the issues confronting them on the long-term policies that they needed to develop?)

The Commissioners varied -- some of them just instinctively were good in their dealings with the unions even though they hadn't had any experience previously. Bob Crawford, for example, almost never required advice or help -- he just had good instincts and he knew how to deal with people and work out problems.

In answer to that question, the commissioners varied. Some of them were instinctively good in dealing with the problems of their unions and their own departments and didn't need much help even though they may not have had any experience in labor relations prior. One I think of is Bob Crawford, Commissioner of Recreation, who just was a broad-guaged individual, even-tempered, and he very seldom had problems. On the other hand, at the other extreme, we had George Ford, the Commissioner of Revenue, who was by nature unaccepting of the idea of sharing his authority with the union. He had some particular problems with the union business agent that he had to deal with, although I thought this particular business agent was one of the easiest to deal with. I had forgotten the details
of George's problem, but we had -- this is some years later -- we had some real difficulty and I think finally Joe Clark just had to overrule him, in effect. Perhaps there was a group in George's department that was not yet in the union and we had decided that the union had organized them and they should be in the bargaining unit that we were dealing with and I think that we -- Clark in effect just overruled him.

Another special problem was the problem of recognizing the union for the prison guards. Randy Wise just thought that would be awful. Randy, unlike George Ford, was a very flexible, decent guy with good instincts and it wasn't an emotional issue with him as it was with George Ford. Randy just honestly felt that there is an incompatibility between unions and prison guards and in those days there were practically no unions of prison guards. Today there are unions all over the place for prison guards. Well, there had been a bitter history with the Board of Prison Guardians, or whatever they were called, under the old administration. The new charter abolished that board and gave that authority to the Commissioner of Welfare, but under the old charter there was quite an independent board that ran the prisons -- I think the Chairman was a man named Otto, I'm not sure. And they had fought the union in a ruthless fashion -- there were several people who had tried to form a union. They had gone out and got people signed up and as soon as the Board found out about it they had simply fired these guys and in a fashion that would be an open and shut unfair labor practice under the National Labor Relations act but that didn't apply to public employees and the union had tried desperately to get the jobs back for these men and hadn't succeeded and I had a great deal of sympathy for the union in that area and one of the ways we got some real good points with the union in those days when we were anxious to reestablish our relationship and build for the future was that we recognized that this was a real touchy, sensitive area from the union's point of view and the -- I think maybe -- the whole question of recognizing the union for the prison guards was couched in all this history from the union's side and Joe Clark and I, Buck Sawyer, I guess, talked to Randy Wise fairly early in the game and persuaded him that give it a try -- it wouldn't be so bad -- and the men really wanted to have the union represent them. There was no question about it. So we did that and included the prison guards in the unit that the union represented and in subsequent years Randy a number of times said -- "You were absolutely right -- it's a very constructive, positive thing."
-- I think it was mainly Randy -- I have a real affectionate memory of Randy in that because he was so genuinely troubled by it and yet so decent and sincere and willing to try it. He was a liberal at heart, I think, and it appealed to those liberal instincts he had and I think it was mainly Randy and me talking -- I don't think anybody had to twist his arm. But in later years he was -- no, I think Manny Kaufman helped make it a good relationship. The union didn't give the department any real problems and I think to that extent probably Manny Kaufman played a role.

The -- other individual commissioners -- I did spend time with Sam Baxter on a number of occasions -- and Sam, as I say, was a dyed-in-the-wool civil servant and public administrator. Before we came in the departments in which the union was strongest were streets and water. Primarily streets, but also water, and then to a lesser extent, recreation, the hospitals, and the museums. Revenue sort of came along later. And even though the union had been in the water department for a long time I think Sam had certain rigidity and stiffness -- and we had on the union side Bob Willard, who was one of the vice presidents of the union. And he was a kind of a rigid guy, too, and sort of picayunish in his approach to problems -- he wasn't a bad fellow at all, but very different from Bill Macanty who -- my words of praise if I haven't already made it clear -- for Bill Macanty and his contribution to the very successful chapter that we had for ten years -- are unqualified. He was and is a simply great human being and a great man and was great in this situation and he made it possible to have this good experience and I'm not sure we could have done it with somebody else. He was a combination of real strength of leadership and courage and yet with some very intelligent judgment ability. I thought, now maybe somebody would say we got by with some cheap packages in those years and maybe that's why I'm favorably disposed to him. And our settlement packages were less costly than they might have been because of our good relationship with the union but that was one of the reasons that I pushed for a good relationship -- I felt that if we showed the union that we accepted them -- that we wanted them to grow and prosper -- that we wanted them to represent the prison guards -- we wanted to give them an exclusive bargaining contract, which was another first. Which we did I think around 1954 and I'll come back to that. If we wanted to push Denny Welsch's organization aside because they were really an insignificant factor and didn't deserve to represent employees as a union in this situation. We didn't permit the outside nurse's association to take away that group of members from Macanty. He represented everybody in the hospital, including the nurses. Now all these things that we did which helped him and which his organization grew tremendously in membership during those ten years and our policies helped him to do that. We gave him stature and standing and recognition as a
result of this new type of relationship that I've described as distinguished from the old political hat-in-hand relationship. All of those things made it possible for the union to prosper and the union felt very good about its relationship with us.

In return for that I think we did get some reasonable packages some years -- some less costly settlements than perhaps might otherwise have been necessary. There was this reservoir of goodwill that helped make for that.

At some point I will mention that in these ten years we had no strikes except one genuinely wild-cat strike in the summer of '53 which was the result of a long delay in the payment of what we had agreed in the prior December as part of our settlement should be a settlement of the 40-hour week question in the lawsuit and certain monies were supposed to have been paid to these people -- there was the job of figuring who was entitled to how much.

It was quite a big job, but by the summer of '53 the check still hadn't been calculated, which was an unconscionable delay and there was a strike of a few days at that time and a couple of departments which Bill Macanty tried to prevent and did sort of end at a fairly early point. That in my ten years was the only strike we had and while there was no law in Pennsylvania like Act 195, which in those days -- Act 195 was passed 4 or 5 years ago. It is a definitive law giving unions in the public sector the right to organize, the right to be recognized, and the right to bargain for its members and the right to sign contracts and it does under some circumstances permit the right to strike. In the early '50's when we had no such law, the general position of the courts on the question of unions of public employees was very conservative. The law -- for the few decisions we had in Pennsylvania -- well, I don't know that there were any decisions of note in Pennsylvania, but other courts in other states had held that you couldn't even sign a contract with a union -- because that was an unconstitutional delegation of power from the elected governmental officials to an outside agency and certainly the courts said over and over again how the public unions could not strike, yet as I've said, District Council 33 was a strong union and they had struck in the '40's and we have discovered since that in many -- there have been many strikes in the public sector over the years despite the laws. When a bunch of garbage collectors go on strike in August and the garbage begins to collect, it's not very easy to replace them and what you do is make some settlement. City after city has done this. So the unions have had a de facto right to strike over the years and they have the muscle to do it. And this union had the muscle to do it. It had struck previously and it could have tied up the streets department and the water department easily and that would have been enough to run an effective strike.
Yet we did not have a single strike in those ten years and of course hanging over the union in the background was always the possibility of a law suit and a damage suit for a strike, so they were somewhat restrained too. They would rather not strike, but if they had to, they would have. They would have struck, I'm convinced, in 1962 if we hadn't renewed their contract. That was their basic charter. Either they existed or wouldn't exist in the future, depending on what our decision was regarding the renewal of their contract, and for a life and death decision like that this union most certainly would have struck. Or if the issues had been serious enough in subsequent years they would have struck. But we had no strike except this one unauthorized wildcat strike.

The next question is -- were Mike Byrne and later Cliff Brenner and their successors of much help in dealing with municipal unions, in communicating with City Council, and other contacts?

I would say that Mike might have helped create my initial contact with Jim Finnegan and whoever else I talked to in Council in those days, but basically Cliff had no real role. Basically, it was my show, or at least it was my job and once I had the introductions to these people, I had to establish my own relationships with them. And of course a good deal of what I did overlapped with Frank Escabido's and Civil Service Commission's jobs and sometimes we would deal jointly with some of these other levels. I recall talking alone to Jim Finnegan to explain what we were doing and later with Jim Tate when he was President of City Council.

The next question is: Did the Democratic City Committee inject itself into your function in any way?

The answer is no. I recall nothing at all from the Democratic City Committee in my day. Now it is perfectly possible that others on the committee were contacted by the Democratic City Committee in connection with employee relations problems, but first of all there would be no need for District Council 33 to have done that. First of all, certainly in the early part of the Clark administration the Democratic politicians would have wanted to deal very harshly with Macanty. He was a defeated adherent of the Republicans, by the way in the fashion that politicians operate, he was a loser. You owed him nothing -- if anything you ought to squeeze him out and put in some good loyal Democrats somehow in positions of power such as he had. But apart from that -- certainly with the passage of a couple of years as we all know politicians are certainly the most forgiving people in the world.
I recall nothing at all from the Democratic City Committee in my day. Now, it is perfectly possible that others on the committee, others in the city administration were contacted by the Democratic City Committee in connection with employee relations problems, but first of all there would be no need for District Council 33 to have done that. First of all, certainly in the early part of the Clark administration the Democratic politicians would have wanted to deal very harshly with Macanty. He was a defeated adherent of the Republicans. In the fashion that politicians operate, he was a loser. You owed him nothing. If anything you ought to squeeze him out and put in some good loyal Democrats in positions of power such as he had. But apart from that -- certainly with the passage of a couple of years. As you know, politicians are the most forgiving people in the world. If you just tell them we're now on your side they will embrace you. But Macanty never did that. First of all I think it wouldn't have been an honorable thing from his point of view because we were working with him so cooperatively he just wouldn't want to go behind our back that way. Now the policemen or firemen might have done that but poor Jim Forbes, who was the head of the Firemen's Union and who was the one figure in this period who would have done that -- he was blocked by the fact
the Fire Commissioner at that time was Frank Macnamy, who hated him with a vengeance. They had clashed very early in the administration. Macnamy was a very strong authoritarian sort of guy who just hated Forbes. But Macnamy was a power in the Democratic party. He had been a partner of Jim Clark, who was the big wheel then in the Democratic party. He had been Chairman. Macnamy was I guess one of Joe Clark's political appointees to the extent that -- I thought he was a darn good Fire Commissioner. Even though it was a political appointment I thought he was a very efficient guy. He gave me problems because he just by instinct didn't like to share authority with anybody and then when you give him a guy like Forbes who was so obnoxious in so many ways. Anyway, Forbes was absolutely blocked off from any kind of political approaches by Frank Macnamy and the police I don't think felt they wanted to or had to operate in that way. Although they tried it without my knowing it. You see, we didn't have the kind of detailed, all-embracing relationship covering police and fire that we had with District Council 33. Police and fire in those days were not unions in the conventional sense. They were just interested in once a year getting wage increases as big as possible for their members and a few fringe benefits and that was it and they had very little to do during the rest of the year. They were not really a trade union as District Council 33 was.

We went through the motions with them and with the firemen but we almost never reached an agreement. Prior to the deadline, which might be Dec. 1, when the Mayor's budget message had to come in, they didn't want an agreement because they were used to having. The Mayor would recommend something in his budget and then in order for the Councilmen to get political credit, they would up the Mayor's recommendation and the policemen and firemen could say to their members -- you see what we did. First we got the Mayor to give us this much and then we got City Council to give us even more. Therefore, look at what a great organization we are. We got these things for you. And the City Councilmen in turn liked that because they got a lot of points by giving even more than the Mayor recommended. So if we made an agreement before December, a collective bargaining agreement, with them before December 1st, we would insist that they not then try to up the agreement by going before City Council to get more. They didn't want that. So it was just a very limited kind of relationship that we had with them. On the other hand, it was absolutely basic to our relationship to Macnamy, that we reach an agreement and that once we reach an agreement that it be honored. Now we weren't going to stretch and pull and go to Council ahead of time and go to the Mayor ahead of time to get concessions that we could offer the union in collective bargaining only to have the union then appear in budget hearings for Council and say give us more. They would only have to do that once and that would destroy the incentive to bargain.
And that would perhaps end this very complete overall relationship that gave so much to the union besides just a salary increase at the end of the year. When Macanty did appear before City Council all he would say is "Gentlemen, we just want you to give what the city and we have negotiated. No more and no less." And it was basic if the relationship was going to work, but again the policemen and firemen just wouldn't give up that second bite of the apple that they had before City Council.

Now what roles were played by department heads in regard to city employee relations? I've touched on that already and basically and ideally there should be a meeting with the various department heads before negotiations start each year in order to know what problems they have which might be affected by the negotiations. Either changes that they want in the contract to improve their situation with the union or to things that they don't want done given to the union that they felt might hamper them. I think there was some of that in my meetings with the department heads in 1952 when Buck Sawyer was City Manager and I think perhaps afterwards, now that I think of it, we had some preparatory meetings before negotiations started with the department heads. If we didn't, I should have thought of doing that because that is the conventional, normal thing to do. I'm sure we at least did some of that in 1952.

Then the department heads should be kept informed of the progress of negotiations, particularly matters of non-monitory nature of concern to them -- that is, matters other than basic wages. Big cost items. Again, you see, we had to play our cards close to our vests -- we couldn't tell too many people or it would leak out to the union and they'd know what we were prepared to give, ultimately. And then, ideally, the department heads should be reported to at the end of the negotiation and the various changes that have been agreed upon in the negotiations should be made known and explained to them.

In addition to that the department head has the role in the processing of grievances. The union had about five or six business agents in those days and they were the business agents for individual departments. And they still have that structure. It's a big union. I think they had close to 10,000 members by the time I left in 1962. I think they had about 5,000 or a little less when we came in in '52 so they did prosper under us, although the employment rules were expanded. When we went to the 40-hour week we had to hire more people, simply to make up for the 4 hours a week that used to be done by the existing work force.
Now the grievances each business agent was in charge of a department and the department could have several thousand people and several thousand people could have a lot of grievances and a lot of problems. It was the business agents job to deal with those grievances, initially with perhaps the immediate supervisor of the employees and perhaps next with the Personnel Director of the department and this was the way we set-up our grievance procedure.

I would get into grievances occasionally. The third step of the grievance procedure in the department would be the commissioner so that if a grievance was not resolved by the Personnel Director the Commissioner would have to resolve it. And the Commissioners or the Personnel Directors from time to time would ask my advice. Occasionally the city personnel director and I would get into a settlement of a grievance with the department and with the union. There was an area particularly -- remember, early in the game we enacted a whole body of Civil Service regulations that covered the whole gamut of personnel matters. Working conditions of the type that go into a labor contract and side by side with that we had the labor contract, much less detailed but in many ways duplicating the civil service regulations. This was the only way we could have collective bargaining. First we negotiated a contract and then everybody sort of understood that under the charter perhaps that contract wasn't enforceable -- that the Civil Service regulations were what governed, but all of the terms of the contract were translated into civil service regulations. Sometimes the regulations would cover more detail, would be broader. Rarely were they, never in fact, were they inconsistent or contradictory with what we had negotiated with the union and the labor contract. And the contract was terribly important to the union because it could show the contract to its members and say, "You see those things in the civil service regulations -- we got them for you through this contract. Here is our contract, signed by the Mayor, giving us all those things."

Grievances would come up -- the union might come into the department with a grievance saying, "You're not applying our contract." And the department might take out a civil service regulation and say, "Well, we are doing this."

The Personnel Director and the Civil Service Commission were the ultimate authorities as to what the Civil Servic Commission regulations meant. So the grievance necessarily would have to end up or in some way the personnel department would get into interpreting the civil service regulations and if it was something that the union was pressing the personnel director would call me in on it too and we would have meetings. We would work out things. Sometimes we'd have to work out a change in our regulation to cover a grievance.
In addition, as you requested, the commission itself was often a party to these discussions, particularly if in order to resolve a grievance we might have to amend an existing civil service regulation or pass a new one. I remember that we did that in several instances. Either we had left something uncovered or it didn't make sense in our negotiation, so we passed a new regulation. And we would give the union credit publically for having brought this to our attention and having agreed with us on this new regulation that we needed to take care of.

Incidentally, Frank Escabido, by the time he had left had changed a great deal from his early position of intense mistrust of the unions. I think this is one of the things I was able to do. I developed a genuine fondness for him and I persuaded him that unions were not bogeymen. That they could be reasonable people and some of the other business agents. And Frank was a very warm person and was really great with people at the personal level and it was a very satisfying thing to see that evolution in him and he was glad to work out changes together with the union in the civil service regulations which a year earlier when he came to Philadelphia he would have thought the worst kind of sin that a personnel director could be guilty of. He died shortly after he left Philadelphia. He went back to California where he had come from. He had resigned under pressure. He had been the symbol of the strife between the politicians in the Clark Administration in 1952 and 1953. This is a broader story and probably you know more about it than I do, Walter. The politicians very early in the game -- the Democratic politicians behave like politicians usually do. Once the election was won and they had helped Clark win, they wanted spoils. They wanted to put their people into jobs. And Escabido was the one. ...
Now Escabido quite willingly played this martyr's role -- he was just swirled up into controversy. He was unnecessarily abrasive. This is not the time to go into great detail about the kind of person Frank Escabido was. As I indicated earlier I became very fond of him and found some good qualities but if you didn't know him well and had the time to discover that you could have found him to be a most difficult person and the politicians particularly found him that way and he expected them to be his enemies before he ever came to Philadelphia and so he happily entered this battle but the general feeling was by Clark himself, I think, and some of the people around him, that Escabido unnecessarily inflamed the inherent controversy between the Clark administration and the politicians. To some extent it may be that Clark used Escabido. Diverted the resentment against himself from the politicians by in effect saying, "But I can't do anything. Escabido is the problem." I had an occasion where Clark did just that sort of thing. He blamed me for a deficiency that he had and it is another story.

It was the time that the CIO people tried to come in and get a contract. The same kind of contract that Macanty had and they knew better -- they knew that you can't -- you don't give a contract normally to a minority union that represents some of the same classes of employees. But they put the pressure on Clark. They said, "We supported you. We went all out for you. Macanty supported the Republicans. By golly, you've got to give us the contract you've given him." And I had talked to Clark. We had several meetings with the CIO guys on this and I had told him that simply as a professional, as a technician in the field of labor relations, that you can't do it. Macanty has ten times as many members as Welsch in the same classifications of employees. You can't have two unions if we're going to regularize collective bargaining in the way we're trying to do. And don't let these guys bluff you. Well they came in and they put the squeeze on him and they accused him of betraying them and their faith in him and pounded the table and right there with me sitting there he said, "Fellows, I'd like to do this. But Eli won't let me." Well, that's ridiculous. He was the Mayor and I only worked for him. It was a kind of shocking act of behavior by this Mayor, my boss. He didn't fool the CIO guys. They knew he was the boss and he could do whatever he wanted to. It was just one of those things where Clark did not show up very well. It happened occasionally, but it showed his tendency to blame others sometimes and I wouldn't be at all surprised if he helped aggravate Escabido's situation by in effect pushing the blame on Escabido for some of these hard decisions. Escabido did have a certain amount of independent authority. Independent of the Mayor. And so did the Civil Service Commission. So that it would have been easier perhaps for Clark to use that kind of an excuse.
Anyway, Escabido was in the spotlight and as I say he was abrasive and some of these problems perhaps he made worse than he had to make and the net result finally was that he had to go. And perhaps he himself agreed that he had to go and a new person had to be brought in and sometime in '53 -- I think it must have been the latter part of '53 -- he quit and he had a job with the government of the State of California. He had wanted to go back to California and so he left and he was replaced then by Don Wagner.

Now I dealt with question nine -- the next question, was the Civil Service Commission helpful? Was it at times difficult or rigid?

Now the Civil Service Commission in my time was chaired by Leon Dexter and the other two members were Luther Cunningham and Leon Mesirov. Shippen Lewis had been the first Chairman under Clark and though I knew Shippen Lewis and knew of him he I believed had already died and been replaced by Sidney Dexter as Chairman. I think Sidney might have been one of the original members of the Commission but only a member and not Chairman. And when Lewis died Sidney Dexter became the Chairman. Now without question the strong man on that Commission was Leon Mesirov. The other two were really well-meaning, decent men and they lent their support to things and they stood up and were counted but the Commission, for all practical purposes, was Leon Mesirov. He knew so much more than the other two men. He is a lawyer. He is an excellent lawyer. He has an excellent mind and great integrity and yet he is a very practical, down-to-earth guy who knows how to work well with politicians and with unions. He knows how to compromise. He liked to settle things. He is the kind of middle-man that makes it possible, in my opinion, for society to function at the working level and he was a most fortunate person to have on the Commission from my point of view. I've indicated how basically incompatible the idea of collective bargaining as I've visualized it and as I think the Mayor visualized it -- how incompatible it was with the new charter. We had to do a lot of fitting and shaping and stretching and pulling to accommodate both of these institutions and it would have been so easy for a Civil Service Commission. Let's assume that Leon Mesirov had these great strengths that I've described. Great ability. Great intelligence. Full understanding of the charter and let's assume he was a more rigid person as Abe Freedman, incidentally, was at times in the early days. Abe was City Solicitor then and was one of the framers of the new charter and Abe had problems with my role initially. I think I could have had difficulties with it, but I wasn't in that position. My job was to try to fit collective bargaining in in the best possible way.
Well, if Leon had been, let's say, not the kind of person he was, we could have had a lot of trouble there. Perhaps Clark would have still -- even though the Commission was independent, they were for all practical purposes his people. He appointed them and they would have listened or almost -- it would have been almost impossible to disregard a very strong directive from him on this kind of a subject. But they could have made things a lot more difficult. But the reason they didn't, basically, was well, I think Sidney and Luther were cooperative and willing but the key man in all of this was Leon Mesirov and he is the one who kept the wheels oiled on this problem.

They were most cooperative. I consulted constantly with the Commission and in terms of the things that I had to do and they listened and offered advice and then when it came time to enact what we had negotiated into the Civil Service regulations in a way to make it look as though the Commission was still an independent body. Very much so and a very basic, fundamental part of the structure. But at the same time to accommodate collective bargaining it was just impossible to describe how helpful Leon Mesirov was in that. And throughout my ten years -- he was on the Commission all that time -- it was over and over again tremendously helpful to have him there to talk problems over and to get his help when we had to get the Civil Service Commission to act on something and in fact when Dilworth came in in the later '50's he didn't want to reappoint Mesirov. I don't know. For some reason. And Bill Macanty really got the labor union to go to bat for Mesirov and put the pressure on him till we did reappoint Mesirov.

(WMP: Eli, was your contract with the Civil Service Commission or was it with the Mayor's office? To whom were you directly responsible?)

As I recall, my contract was between the Personnel Director and me. Did we actually sign a contract or I don't remember. I think some action was taken to appoint me as labor relations consultant to the Personnel Director. And there was a budgetary item. The Personnel Director was part of the Civil Service Commission. He was an appointee of the Civil Service Commission and basically I felt I was working for him and the Commission. In any event, there were very few times when the Commission was difficult or rigid. I think there were times when Len Moak thought that this was a kind of an incestuous relationship that we had between the Commission and the union and myself. But surprisingly, no one seriously questioned what we did. The way the Commission sort of stretched itself to accommodate the institution of collective bargaining in the fashion that I've described.
Did one or more labor leader unduly inject himself into the operations of the Civil Service Commission?

In my time, no. There was a difference between the relationships between the three unions -- I say three unions because in '55 or thereabouts, Macanty merged with Denny Welch. This was the year we gave Macanty exclusive bargaining rights. Now this is a technical term in labor relations. What it means simply is that the way collective bargaining is conducted in the private sector -- now mind you, we had no law. We had no Act 195 in Pennsylvania. It was 17 years before that law was passed. That law now provides for that kind of method of the private sector. Act 195 uses the same basic method that -- in the public sector. What the private sector does is it simply says that certain classifications of employees or a whole factory, constitute an appropriate unit for collective bargaining purposes and one union -- you may have to have an election or you may have to look at a showing of membership cards -- one union, the union that represents the majority of those people, or whom the majority of those people select as their bargaining agent is then recognized as the exclusive bargaining agent for that bargaining unit and it alone can bargain for that unit and enter into contracts with the employer. Now the public sector had no basic laws. These rules that I've described in the private sector were laid down by law -- by the Wagner Act. Or for companies that were not in interstate commerce there were many little Wagner Acts in various states. Pennsylvania had such an act. The Commission. We had no such law for the public sector in those days and but we decided -- it was part of my job I guess to bring to the public sector those aspects of the private sector which would be conducive to better relations, better labor relations, in the public sector and this was to me a proven method.

Now the politicians just didn't understand that. They basically -- anybody who says he represents some of the employees -- after all, my door is always open says the politicians -- anybody can come in and a public employee can join any organization he wants to and if he joins an organization and they want to come in and talk to him, I can't prevent him. Everybody has the right to be heard. To petition a public official. So there had no exclusive bargaining contracts anywhere in any formal sense. The result was that you had great duplication of representation of the same classifications or departments of employees by separate unions and this was one of the nightmares of the public sector picture that complicated the relationships as the public sector in the '50's and '60's began to move towards collective bargaining and we got rid of that problem in a hurry. First of all we were lucky. You can make a bargaining unit a very small unit. You can say six people who shod horses in the City of Detroit for the mounted policemen constituted a separate bargaining unit and then
you'll have a union for six people. In New York City I think they have a union for two people. Cities like Detroit and New York have -- well, New York has over 100 separate bargaining units and therefore separate unions to deal with. Detroit had 90 or something like that. In fact I think New York has 200. We were lucky to begin with because we walked into a situation where Bill Macanty had already become the dominant union for the civilian employees. There is no question that the police and fire did and always will have separate unions, and appropriately so, but for the non-uniformed employees, you can have endless, endless, problems of representation. Before collective bargaining in any formal sense started there were groups representing every possible -- there were representatives of every possible kind of group. And then when these other cities went over to collective bargaining they made the mistake of recognizing a whole host of separate unions who said we have some members in this department and we have some members in this classification. We want to be recognized. We came into a situation where there were only two conflicting unions. One was Bill Macanty who was already far and away the dominant union among the non-uniformed employees. And then there was this smaller group of Denny Welch's -- the Civil Service Employees Association -- which we, I mentioned, had trouble with in 1952 and we could not squeeze them out easily in the public sector without a law which mandated exclusive bargaining for the dominant union. But I think around 1954 the -- Macanty, bless him, decided that he should initiate merger talks with Welch and he and Bob Willard, particularly, had been terribly emotional about Welch's group, but Macanty, always a practical man, decided that this was the time to settle the problem once and for all and they merged and Macanty gave Welch a job -- he set up a credit union for the first time and Welch became the head of the credit union and the number two man in Welch's outfit was Tony Fiorello and Macanty gave him a job on his staff and then once the two organizations merged we then entered into a formal, exclusive bargaining agreement with Macanty.

This was about 1954. It was the first one in the country. It insured us -- once we made that agreement -- it prevented -- it made it easy to avoid any future fragmentation of our group. This fragmentation as I've described it in other cities has been the bane of collective bargaining. It's almost an impossible situation in some places.