



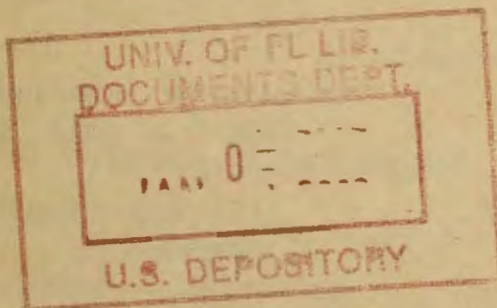
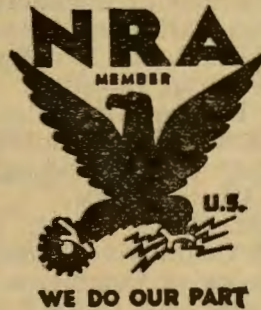
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

READY-MADE FURNITURE
SLIP COVERS MANUFACTURING
INDUSTRY

AS APPROVED ON FEBRUARY 16, 1934



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Approved Code No. 283

CODE OF FAIR COMPETITION

FOR THE

**READY-MADE FURNITURE SLIP COVERS
MANUFACTURING INDUSTRY**

As Approved on February 16, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE READY-MADE FURNITURE SLIP COVERS MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Ready-Made Furniture Slip Covers Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
February 16, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: A Public Hearing on the Code of Fair Competition for the Ready-Made Furniture Slip Covers Manufacturing Industry, submitted by the National Association of Ready-Made Furniture Slip Cover Manufacturers, Inc., located at 261 Fifth Avenue, New York, N. Y., was conducted in Washington on the 23rd of November, 1933, in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent 95 percent of the Industry.

The maximum hours permitted under this Code are 40 per week. From April 1st to June 30th of any year employees may work 48 hours per week, time and one-half to be paid for all hours worked by any employee in excess of 40 per week. Firemen and shipping crews are permitted to work 42 hours per week. A normal work week is limited to six (6) days.

The minimum rate of pay is 32½¢ per hour or \$13.00 per week. Learners, who are limited to a 4 weeks learning period and shall not exceed 5% of the total number of employees, are provided for at the rate of \$10.50 per week during the learning period. Provision is made for an equitable adjustment of wages above the minimum.

This Code covers only the manufacture of ready-made furniture slip covers and has nothing to do with the manufacturers of custom-made slip covers. There are no wholesale or retail outlets for slip covers owned or controlled by the manufacturer, nor is there a diversified field of distribution for them. Practically the entire output of all the manufacturers is purchased by department stores.

The peak demand for products of this Industry occurs during the months from January to June, inclusive. Because of the change in design and texture of materials from season to season it is not advisable to manufacture stock in advance.

The value of the products of this Industry increased 14.6 in 1931 over 1929. During 1932 they decreased 8.5. It is estimated that the value in 1933 will be about the same as 1932.

By adopting a 40-hour week, 49 wage earners should benefit through reemployment, thus increasing the total wage earners to 294, which is greater than at any time since 1929.

On the basis of the 1932 weekly average earnings the total payroll on the basis of a 40-hour week, should increase 18.3 over the 1933 total.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid industry; and that said Association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

This Industry has cooperated in a most satisfactory manner with the Administrator in the preparation of this Code. From evidence adduced during this hearing and from recommendations and reports of the various Advisory Boards it is believed that this Code as now proposed and revised represents an effective, practical, equitable solution for this industry and for these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

FEBRUARY 16, 1934.

CODE OF FAIR COMPETITION FOR THE READY-MADE FURNITURE SLIP COVERS MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Ready-Made Furniture Slip Covers Manufacturing Industry, and its provisions shall be the standard of fair competition for such industry and binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term "Ready-Made Furniture Slip Covers Manufacturing Industry" or "Industry" as used herein, includes the manufacture, in whole or in part, of ready-made slip covers for living room furniture, studio couches, day beds, dining room furniture and boudoir chairs, or other articles of furniture, and/or the furnishing of labor or labor and material, or both, as part of a larger or further operation in the process of manufacturing ready-made furniture slip covers, and such related branches or subdivisions thereof as may from time to time be included under the provisions of this Code by the Administrator after such notice and hearing as he may prescribe. Custom-made furniture slip covers and Trade Shops are not included in this industry.

2. The term "ready-made furniture slip covers" as used herein shall mean slip covers that are not especially cut and made for any particular piece of furniture or made on special order in accordance with specific measurements.

3. The term "custom-made slip covers" as used herein means slip covers that are especially cut for a particular piece of furniture and in accordance with specific measurements.

4. The term "trade shop" as used herein shall mean a shop that furnishes labor or labor and material for custom-made slip covers.

5. The term "member of the industry" includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

6. The term "employee" as used herein includes any and all persons engaged in the industry, however compensated, except a member of the industry.

7. The terms "Act" and "Administrator" as used herein mean respectively Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of forty (40) hours in any one week or more than eight (8) hours in any one day,

except during the period from April 1 to June 30, employees may be permitted to work not to exceed forty-eight (48) hours in any one week or eight (8) hours in any one day, provided, however, that time and one-half shall be paid for all hours worked by any employee in excess of forty (40) hours per week, except as herein otherwise provided.

(a) The maximum hours herein established shall not apply to employees engaged in an executive capacity, office employees, executives and all other employees engaged in a managerial capacity, who receive more than thirty-five dollars (\$35.00) per week, or to outside salesmen.

(b) The maximum hours herein established shall not apply to firemen and shipping crews who may be employed not more than forty-two (42) hours in any one week or eight and one-half (8½) hours in any one day.

(c) The maximum hours herein fixed shall not apply to any employee on emergency repair work involving break-downs or protection of life or property, but in any such special case at least one and one-half times the normal rate of pay shall be paid for all hours worked in excess of forty (40) per week.

2. A normal work week shall not exceed six (6) days.

3. No member of the industry shall operate more than one (1) shift.

4. No employee shall work or be permitted to work for a total number of hours in excess of the hours prescribed, whether he be employed by one or more employers.

ARTICLE IV—WAGES

1. No employee shall be paid less than at the rate of thirteen dollars (\$13.00) per week of forty (40) hours or thirty-two and one half cents (32½¢) per hour; except learners, who are persons having had no previous experience or employment in this industry, shall be paid not less than ten dollars and fifty cents (\$10.50) per week; provided that if such employees are employed on piece-work performance they shall be paid not less than at the established rate paid skilled employees for such work; provided, further, that the number of learners employed by any one employer, shall not exceed five percent (5%) of the total number of employees of such employer; said period of learning shall not exceed four (4) weeks and no learner shall serve more than one apprenticeship, whether for one or more employers.

(a) Females performing substantially the same work as males shall receive the same pay.

2. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time rate, piece-work performance or other basis.

3. It is the policy of the members of this industry to refrain from reducing the compensation for employment which compensation was prior to June 16, 1933, in excess of the minimum wage herein set forth, notwithstanding that the hours of work in such employment may be reduced; and all members of this industry shall endeavor to increase the pay of all employees in excess of the minimum wage, as herein set forth, by an equitable adjustment of all pay schedules.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the industry, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator a list of such occupations. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

2. In compliance with Section 7 (a) of the Act it is provided:

(a) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) That no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing or assisting a labor organization of his own choosing, and

(c) That employers shall comply with the maximum hours of labor, minimum rates of pay and other conditions of employment, approved or prescribed by the President.

3. No provision in this Code shall supersede any State or Federal law which imposes on employers, more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions than are imposed by this Code.

4. No employer shall reclassify employees or duties of occupations performed as they existed on October 1, 1933, or engage in any other subterfuge, for the purpose of defeating the purposes of the Act or of this Code.

5. Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment.

6. If any member of the Ready-Made Furniture Slip Covers Manufacturing Industry is also an employer of labor in any other industry the provisions of this code shall apply to and affect only that part of his business which is engaged in the manufacture of ready-made slip covers as herein defined.

7. Any member of this industry who performs productive work shall, while performing such work, observe the maximum working hours herein provided.

8. Each employer shall post and keep posted full copies of this code in conspicuous places accessible to employees.

ARTICLE VI—HOME WORK

1. Members of this industry shall not permit work of any kind to be done in the home or homes, either directly or indirectly, or by contracts with those who let out work on subcontracts.

ARTICLE VII—ADMINISTRATION

Organization and Constitution.

1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this code and shall consist of five (5) members to be chosen by the industry through a fair method of selection approved by the Administrator to serve for a period of one year from the date of their election. The Administrator in his discretion may appoint not more than three (3) additional members without vote and without compensation from the industry, to serve for such period of time and to represent the Administrator or such group or groups as he may designate.

(a) Vacancies in the personnel of the Code Authority selected by the industry shall be filled upon nomination of the Code Authority, approved by the Administrator.

2. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall impose no inequitable restrictions on membership, and shall submit to the Administrator true copies of its articles of association, by-laws, regulations and any amendments when made thereto, together with such other information as to membership, organization and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

3. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, he may take such action as he may deem necessary under the circumstances.

4. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful mis-feasance or non-feasance.

6. The Code Authority shall have the following duties and powers to the extent permitted by the Act.

(a) To administer the provisions of this Code and provide for the compliance of the industry with the provisions of the Act, and to propose amendments, exceptions and/or modifications and sub-

mit them to the Administrator for his approval; such amendments and/or modifications, when approved, shall become a part of this Code after such notice and hearing as he may specify.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

(d) To receive, subject to rules and regulations issued by the Administrator, complaints of violations of this Code, make investigations thereof, provide hearings thereon and adjust such complaints and bring to the attention of the Administrator for prosecution, recommendations and information relative to unadjusted violations, but in no event shall the Code Authority proceed to prosecute without notice to and approval by the Administrator. An appeal from any action by the Code Authority affecting the rights of any employer or employees in the industry may be taken to the Administrator.

(e) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(f) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry.

(g) To secure from members of the industry, who assent to this Code and/or participate in the activities of the Code Authority, such proportionate payment of the reasonable expenses of maintaining the Code Authority as may be determined by the Code Authority and approved by the Administrator.

(h) To cooperate with the Administrator in regulating the use of any N.R.A. insigna solely by those members of the industry who have assented to, and are complying with, this Code.

(i) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

(j) If the Administrator shall determine that any action of a code authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation

of the merits of such action and further consideration by such code authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

ARTICLE VIII—PRICE LISTS AND COST FINDING METHOD

1. Members of the industry shall file with the Code Authority, within fifteen (15) days after the effective date of this Code, a schedule of prices and terms of sale for the products of the industry. No member of the industry shall sell his products at a price lower or on more favorable terms than set forth in his schedule on file with the Code Authority, except as provided in Article IX, Section 1 of this Code.

(a) Price lists may be revised and filed with the Code Authority at any time to take effect immediately upon the filing thereof.

2. Each member of the industry shall install an adequate cost finding method formulated by the Code Authority and approved by the Administrator, within a reasonable time and as soon as practicable after the approval of this Code by the President.

ARTICLE IX—TRADE PRACTICES

1. No member of the industry shall sell or offer for sale any product of this industry at a price below his own individual cost, as determined by the cost finding method provided for in Section 2 of Article VIII, when approved by the Administrator, except that any member of the industry may meet competition in any specific instance by selling his product at a price not less than the lowest price of a comparable article on file with the Code Authority; provided, however, that "Discontinued" distress merchandise, job lots or seconds may be sold, as approved by the Code Authority, during the period from August 1st to November 30th of any year.

2. No member of the industry shall perform work or labor on material or merchandise other than his own, unless the owner thereof shall have billed to the member of the industry, the material or merchandise at actual replacement value and shall have agreed in writing not to sell such finished product for less than actual cost including the replacement value of such material or merchandise, unless and until the same shall have become seconds, discontinued, or distress merchandise.

3. No member of the industry shall publish advertising (whether printed, radio, display, or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including but without limitation its use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services or the nature or form of the business conducted.

4. No member of the industry shall brand or mark or pack any commodity in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation of such goods.

5. No member of the industry shall publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services.

6. No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

7. No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

8. No member of the industry shall ship goods on consignment except under circumstances to be defined by the Code Authority, where peculiar circumstances of the industry require the practice.

9. No member of the industry shall make any advertising allowance or secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise; nor shall a member of the industry secretly offer or extend to any customer any special services or privileges not extended to all customers of the same quantity and quality.

10. No member of the industry shall attempt to induce the breach of any existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

11. No member of the industry shall require that the purchase or lease of any commodity be a prerequisite to the purchase or lease of any other commodity.

12. No member of the industry shall sell or invoice merchandise on more favorable terms of discount than three percent (3%), ten (10) days, E.O.M.

13. No member of the industry shall ship goods other than f.o.b. factory except in cities where other slip cover manufacturers are located where the seller may ship f.o.b. destination.

ARTICLE X—MODIFICATION

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Subsection (b) of Section 10 of Title I of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act.

2. This Code, except as to provisions required by the Act, may be modified or amended on the basis of experience or changes in circumstances, such modifications or amendments to be based upon

application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the President, unless otherwise provided.

ARTICLE XI—MONOPOLIES, ETC.

1. No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises.

ARTICLE XII—PRICE INCREASES

1. Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases should be delayed and that, when made the same should, so far as reasonably possible, be limited to actual increases in the seller's costs.

ARTICLE XIII—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval by the President.

Approved Code No. 283.

Registry No. 299-39.



