

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

PAPER MAKING MACHINE
BUILDERS' INDUSTRY

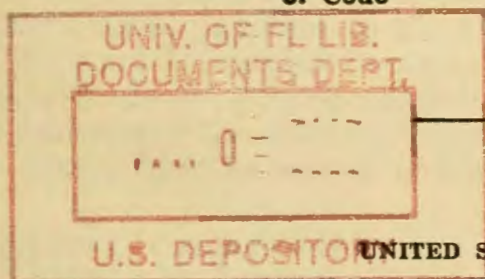
AS APPROVED ON DECEMBER 7, 1933

BY

PRESIDENT ROOSEVELT



1. Executive Order
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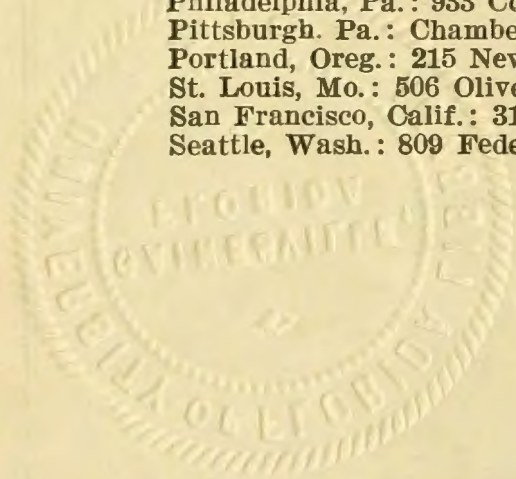


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Approved Code No. 144

CODE OF FAIR COMPETITION
FOR THE
PAPER MAKING MACHINE BUILDERS' INDUSTRY
As Approved on December 7, 1933
BY
PRESIDENT ROOSEVELT

Executive Order

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 my approval of a Code of Fair competition for the Paper Making Machine Builders' Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report and recommendations, and findings of the Administrator and do order that the said code of fair competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 7, 1933.

(543)

NOVEMBER 23, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Paper Making Machine Builders' Industry, the hearing having been held in Washington, October 12, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS AS TO HOURS AND WAGES

Under this Code hours for work are limited to forty (40) per week with a tolerance of ten (10) percent for employees engaged in care, protection, and maintenance of plant and machinery and employees engaged in stock keeping and shipping. Under conditions of seasonal or peak demand a maximum of forty-eight (48) hours per week can be worked during not over eight (8) weeks in a six (6) months' period. Time and one half is paid for this overtime. These limitations of hours do not apply to executives, their immediate assistants, heads of administrative departments, and field men, who are receiving not less than thirty-five (35) dollars per week. Accounting, clerical, office service, earning less than thirty-five (35) dollars per week are limited to forty (40) hours per week on a monthly average.

Minimum wages have been set at forty (40) cents per hour for employees engaged in shop operations, excepting duly indentured apprentices who are limited to five (5) percent of the factory employees. Provision also is made for employment on light work at wages below the minimum, of those who because of age or mental or physical handicaps are certified for such employment by the United States Department of Labor.

The minimum wage paid to any other employees shall be not less than fifteen (15) dollars per week, except in the case of office boys and girls who may be paid not less than eighty (80) percent of the minimum wage. They are not to exceed five (5) percent of the office force.

CHILD LABOR

The minimum age for employment is set at sixteen (16) years, with eighteen (18) years the minimum where operations or occupations are hazardous or detrimental to health.

ECONOMIC EFFECT OF THE CODE

This industry has suffered severely from the depression. However, since operating under the President's Reemployment Agreement, employment has increased approximately 50 percent, more than 1,000 employees having been added. Pay rolls through reemployment and wage adjustments have been increased proportionally since June.

The industry is engaged in the design, building, and sale of complete machines used in the manufacture of paper and paper board. There are ten (10) companies in this industry and while sales declined from \$17,000,000 in 1929 to an estimated \$3,500,000 in 1933, wage rates in line with the Code provisions generally have been maintained.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Paper Making Machine Builders' Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
PAPER MAKING MACHINE BUILDERS' INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is submitted as a Code of Fair Competition for the Paper Making Machine Builders' Industry, and upon approval by the President, its provisions shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Paper Making Machine Builders' Industry" as used herein shall mean the building and sale by builders of complete paper making or paper board making machines.

SEC. 2. The term "employee" as used herein includes any person engaged in any phase of the industry in any capacity in the nature of employee irrespective of the method of payment of his compensation.

SEC. 3. The term "employer" as used herein includes anyone for whose benefit such an employee is so engaged.

SEC. 4. The term "member of industry" includes any builder of paper-making machines who shall be subject to this Code.

SEC. 5. The term "Member of the Code" includes any member of the industry who shall expressly signify assent to this Code.

SEC. 6. The term "Administrator" shall mean the Administrator of the National Industrial Recovery Act.

ARTICLE III—HOURS

SECTION 1. No employer shall employ any employee engaged in the making of the products of the industry, and in labor operations directly incident thereto, in excess of forty (40) hours per week or eight (8) hours in any twenty-four (24) hour period; provided that there shall be a tolerance of ten (10) percent for employees engaged in the care, protection, and maintenance of plant and machinery and employees engaged in stock keeping and shipping, time and one half being paid for all time worked in excess of eight (8) hours per day or forty (40) hours per week.

SEC. 2. The above limitations of hours shall not apply to conditions of seasonal or peak demand, for any department or departments, which create an unusual and temporary burden for production

or installation. In such cases such number of hours may be worked as are required by the necessities of the situation, but not to exceed forty-eight (48) hours per week for any eight (8) weeks in any calendar six (6) months' period, beginning October 1, 1933, and each April 1 and October 1 thereafter; provided that in such special cases at least time and one half shall be paid for hours worked in excess of eight (8) hours in any one day or forty (40) hours in any one (1) week.

SEC. 3. The above limitations of hours shall not apply to employees on emergency maintenance or repair work, or to very special cases, where restrictions of hours of highly skilled workers would unavoidably reduce or delay production, but in any such special case at least time and one half shall be paid for hours worked in excess of eight (8) hours in any one day or forty (40) hours in any one (1) week.

SEC. 4. The above limitations of hours shall not apply to executives, their immediate assistants, heads of administrative departments, factory and office supervisors, technical engineers, outside service men, and field salesmen (provided that no person receiving less than thirty-five (35) dollars per week shall be considered to come under any of the foregoing exempted classifications in this section), and watchmen, provided that the maximum hours of labor for watchmen shall not exceed fifty-six (56) hours in any one week performed in six (6) days out of any seven (7).

SEC. 5. No employer shall work any accounting, clerical, office service, office sales, express or delivery, or other employee not described in Sections 1, 3, and 4 of this Article more than forty (40) hours a week on a monthly average, nor more than forty-eight (48) hours in any one week.

SEC. 6. No employee shall work or be permitted to work for a total number of hours in excess of the number of hours prescribed for each week and day whether employed by one or more employers.

ARTICLE IV—WAGES

SECTION 1. The minimum wage that shall be paid by any employer to any employee engaged in the making of the products of the industry, and in labor operations directly incident thereto, shall be forty (40) cents per hour.

SEC. 2. This Article IV establishes a guaranteed minimum rate of pay regardless of whether the employee is compensated on the basis of a time rate or on a piecework performance.

SEC. 3. The minimum wage that shall be paid by any employer, to any other employee shall not be less than fifteen dollars (\$15.00) per week; provided, however, that office boys and girls may be paid not less than eighty (80) percent of the minimum wage established in Section 2, but the total number of such office boys and girls shall not exceed in any calendar month five (5) percent of the total number of office employees employed by such employer during such month but each employer shall be entitled to two (2) such employees.

SEC. 4. Nothing in this Article IV shall apply to, or affect, any employee apprenticed to any employer by an indenture made in pursuance of the laws of any state of the United States, or by a

written contract under any apprentice system established and maintained by an employer, provided that each indenture and contract shall be filed with the Code Authority, and provided further that this exception shall apply to an employee only during the period that he is receiving less than the minimum rate; provided further that such apprentices employed by any employer shall not exceed 5% of the total number of factory employees employed by such employer, but each employer shall be entitled to employ two such apprentices.

SEC. 5. Where not already made, equitable adjustments of rates of pay shall be made for employees in higher classifications than those receiving the minimum wage, and in no case shall they be decreased as a result of this adjustment of hours.

SEC. 6. No employer shall change the classification of occupation of any employee as existing on June 16, 1933, for the purpose of defeating the purposes of the Act.

SEC. 7. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him.

ARTICLE V—CHILD LABOR

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 before January 1, 1934, 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.

ARTICLE VI—CODE AUTHORITY

SECTION 1. To further effectuate the policies of the Act, a Code Authority is hereby set up to cooperate with the Administrator in the Administration of this Code.

SEC. 2. The Code Authority shall consist of a Code Committee of three members appointed by the Board of Directors of the Paper Machine Builders' Association and one or more nonvoting members appointed by the Administrator in his discretion.

SEC. 3. In order that the Code Authority shall be at all times truly representative of the industry and in all respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem necessary, and thereafter 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 require an appropriate modification in the method of selection of the Code Authority.

SEC. 4. Any member of the industry is eligible for membership in the Paper Machine Builders' Association and there shall be no inequitable restrictions on such membership.

SEC. 5. All members of the industry shall be entitled to share the benefits of its activities, and all who accept such benefits shall bear their proportionate share of the expense of maintaining the Code Authority and its activities.

SEC. 6. With a view to keeping the President informed as to the observance or nonobservance of this Code, and as to whether the industry is taking appropriate steps to effectuate the declared policy of this Act, each member of the industry, if and when required by the Administrator, shall prepare and file with such person or organization as the Code Authority may designate, and at such times and in such manner as the Code Authority may prescribe, statistics as to number of employees, wage rates, employee earnings, and hours of work, which information shall be confidential, except that for the purposes of administering this Code, and subject to the approval of the Administrator, the Code Authority may have access to such information.

SEC. 7. In addition to the information required to be submitted to the Code Authority, there shall be furnished to the Government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

ARTICLE VII—UNFAIR TRADE PRACTICES

SECTION 1. The secret payment of or allowance of rebates, refunds, credits, subsidies, or unearned discounts, whether in the form of money, material, or otherwise, is an unfair trade practice.

SEC. 2. The willful interference by any member of the industry by any means or device whatsoever with any existing contract between a member of the industry and his seller or a purchaser, is an unfair trade practice.

SEC. 3. The defamation of a competitor by words or acts which falsely impute to him dishonorable business conduct, inability to perform his contracts, questionable credit standing, or which misrepresent or falsely disparage the grade, quality, or prices of his goods, is an unfair trade practice.

ARTICLE VIII—GENERAL

SECTION 1. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from 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.

SEC. 2. 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

SEC. 3. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SEC. 4. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provision of Subsection (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically, but without limitations, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

SEC. 5. Within each State, members of the industry shall comply with any laws of such State imposing more stringent requirements, regulating the age of employees, wages, hours of work, or health, fire, or general working conditions, than under this Code.

SEC. 6. Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act may with the approval of the President be modified or eliminated as changes in circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions to this Code or additional codes may be submitted for the approval of the President to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act consistent with the provisions hereof.

SEC. 7. All employers shall post complete copies of this Code in conspicuous places accessible to employees.

ARTICLE IX—EFFECTIVE DATE AND TERMINATION

This Code shall become effective on the second Monday after its approval by the President of the United States and shall cease to be operative when Title I of the National Industrial Recovery Act shall cease to be in effect.

Approved Code No. 144.
Registry No. 1399-23.



