

NATIONAL RECOVERY ADMINISTRATION

**SUPPLEMENTARY
CODE OF FAIR COMPETITION**

FOR THE

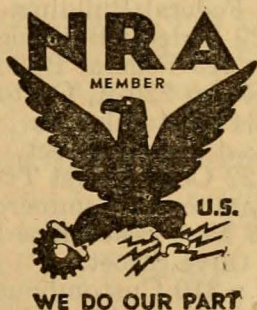
**MASON CONTRACTORS
INDUSTRY**

(A Division of the Construction Industry)

AS APPROVED ON APRIL 19, 1934

BY

PRESIDENT ROOSEVELT

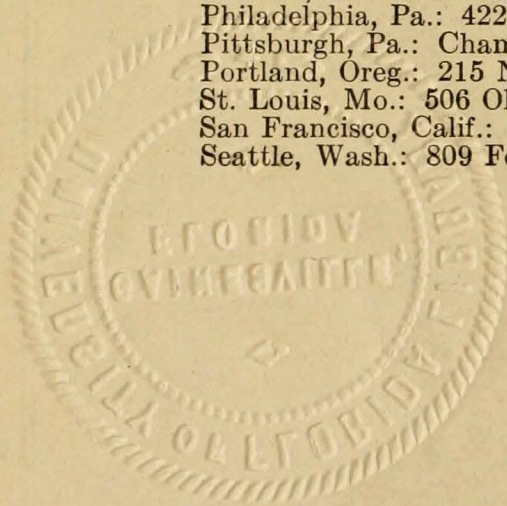


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SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

MASON CONTRACTORS INDUSTRY

As Approved on April 19, 1934

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE MASON CONTRACTORS INDUSTRY

A DIVISION OF THE CONSTRUCTION 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, and pursuant to and in full compliance with the provisions of Section 5 of Article VIII of Chapter I of the Code of Fair Competition for the Construction Industry approved January 31, 1934, for approval of the Mason Contractors Chapter of said Code, and hearings having been held thereon, and the Administrator having rendered his report containing an analysis of said Mason Contractors Chapter and of said Code of Fair Competition as supplemented by the addition thereto of said Mason Contractors Chapter, together with his recommendations and findings with respect thereto, and the Administrator having found that the said Mason Contractors Chapter and the said Code of Fair Competition, as supplemented by the addition thereto of said Mason Contractors Chapter, comply 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, recommendations and findings of the Administrator and do order that the said Mason Contractors Chapter be and it is hereby approved, and that the previous approval of said Code of Fair Competition for the Construction Industry is hereby modified to include an approval of said Code in its entirety as supplemented by the addition thereto of said Mason Contractors Chapter.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
April 19, 1934.

LETTER OF TRANSMITTAL

The PRESIDENT,
The White House.

SIR: This is a report of Chapter VIII, the Mason Contractors Chapter of the Code of Fair Competition for the Construction Industry, which was approved by you on January 31, 1934, and which is described as Chapter I.

This Chapter is a revision after a public hearing conducted in Washington on December 7, 1933. Additional previous testimony may be found in the Transcript of Hearing on the Construction Industry Code which was held in Washington on November 20, 1933, in Volume III, pages 219 to 223, inclusive. These hearings were held in accordance with the provisions of the National Industrial Recovery Act, and this Chapter was thereafter revised and resubmitted.

THE INDUSTRY

The Mason Contractors Division is an important branch of the Construction Industry, both in original construction and in repairing existing installations. Their work is described more fully by the definitions contained in Article I of this Chapter.

PROVISIONS FOR HOURS AND WAGES

The hours and wages set forth in Chapter I of the Code of Fair Competition for the Construction Industry, approved by you on January 31, 1934, are, except for minor exceptions, favorable to employees, applicable to this Chapter.

ECONOMIC EFFECT OF THE CODE

In 1929 there were employed in the Mason Contracting Industry 80,000 skilled masons and 70,000 semi-skilled and unskilled masons' tenders. Of these 150,000 workers, steady work for approximately 27,000 men has been available during 1933. It is reasonable to suppose that with the prohibition of unfair trade practices and the establishment of uniform rates of pay and hours of work, better conditions will prevail in this Industry and that employers, employees and the public will be benefited.

FINDINGS

The Deputy Administrator in his final report to me on said Mason Contractors Chapter of the Code of Fair Competition for the Construction Industry, as supplemented by the addition thereto of said Mason Contractors Chapter, having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Mason Contractors Chapter and said Code of Fair Competition for the Construction Industry as supplemented by the addition thereto of said Mason Contractors Chapter, are 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 Mason Contractors Chapter and the Code of Fair Competition for the Construction Industry, as supplemented by the addition thereto of said Mason Contractors Chapter, as approved, comply 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.

(c) Said Mason Contractors Chapter and the Code of Fair Competition for the Construction Industry, as supplemented by the addition thereto of said Mason Contractors Chapter, are not designed to and will not permit monopolies or monopolistic practices.

(d) Said Mason Contractors Chapter and the Code of Fair Competition for the Construction Industry, as supplemented by the addition thereto of said Mason Contractors Chapter, are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Mason Contractors Chapter and of said Code, as supplemented by the addition thereto of this Mason Contractors Chapter thereof.

For these reasons, therefore, I recommend approval of said Mason Contractors Chapter and said Code, as supplemented by the addition thereto of said Mason Contractors Chapter thereof.

Respectfully,

HUGH S. JOHNSON,
Administrator.

APRIL 19, 1934.

CHAPTER VIII

MASON CONTRACTORS DIVISION OF THE CONSTRUCTION INDUSTRY

ARTICLE I—DEFINITIONS

SECTION 1. The term "Mason Contractors Division", or "this division", as used herein means the contracting for and the erection in the United States of America, of all types of brick work, rubble stone, cinder block masonry, ornamental terra cotta, salt glazed tile, hollow tile, and gypsum block, including the furnishing of any labor or materials incident thereto; and such branches or subdivisions thereof as may from time to time be included under the provisions of this Chapter, subject to the approval of the Construction Code Authority and the Administrator.

SECTION 2. The term "Association" as used herein means the Mason Contractors Association of the United States and Canada.

ARTICLE II—WAGES AND HOURS AND GENERAL LABOR CONDITIONS

SECTION 1. The provisions of this Code relating to maximum hours shall not apply to—

a. Employees engaged in a professional, executive, or supervisory capacity receiving more than thirty-five dollars (\$35.00) a week. However, no employee engaged in a supervisory capacity who performs manual work shall be included in the exception of this subsection.

b. Watchmen, who may be permitted to work not in excess of eighty-four hours in any two week period, and not in excess of (48) forty-eight hours in any one week period.

SECTION 2. Each employer shall make payment of all wages due in lawful currency or by negotiable check therefor payable on demand at par. Wages shall be paid at regular periods and if customary, at the end of every week, but in any event semimonthly. There shall be no payment or deduction therefrom for pensions, insurance or sick benefits except those required by law or voluntarily agreed to.

SECTION 3. Employers and their agents shall accept no rebates directly or indirectly, on such wages, or give anything of value or extend favors to any person for the purpose of influencing the rates of wages or the working conditions of their employees.

SECTION 4. No employee now employed at a rate in excess of the minimum herein prescribed shall be discharged and reemployed at a lower rate for the purpose of evading the provisions of this Code.

SECTION 5. Copies of Chapter I, and of this Chapter of this Code shall be kept posted by all employers in conspicuous places easily

accessible to all employees in their offices, shops, and at the site or sites of all operations.

SECTION 6. No member of this division shall directly or indirectly, or by any subterfuge sublet solely the labor services required by any contract assured by such member.

SECTION 7. No employer shall avoid or evade the labor provisions of this code by contracting his work to any person or persons subject to labor provisions less stringent than those provided in this code.

SECTION 8. Any employer shall be subject to the applicable maximum hourly limitations provided in this code in his performance of manual labor or mechanical occupations customarily performed by employees.

SECTION 9. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Divisional Code Authority to the Administrator within three (3) months after the effective date of this code.

ARTICLE III—ADMINISTRATION

SECTION 1. A Divisional Code Authority is hereby constituted to administer this code within this Division. The Divisional Code Authority shall consist of nine members. Six of said members shall be elected by the members of this Division, and the Association, at meetings of the Association from members thereof who are members of this Division. The remaining three members of the Divisional Code Authority shall be appointed on a fair basis from and as representatives of members of this Division who are not members of the Association by a Committee of three elected by the members of the Association who are members of this Division at the meeting for the election of the other members of the Divisional Code Authority. Such appointees shall be subject to the approval of the Administrator.

The term of office of all members of the Divisional Code Authority shall be one year.

Successors of all members of the Divisional Code Authority shall be selected in like manner; except that any successor to any member of the Divisional Code Authority who represents the members of this Division who are not members of the Association shall be selected by the non-members of the Association, if such successor and the manner of his selection is approved by the Administrator. Any appointee may be removed by the agency authorized to appoint his successor, with the approval of the Administrator.

SECTION 2. The Divisional Code Authority shall in addition to the powers and duties which said Divisional Code Authority has by virtue of paragraph B, Article IV, Chapter I of this Code, cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who have assented to, and are complying with, this Code.

ARTICLE IV—TRADE PRACTICES

SECTION 1. The Divisional Code Authority, within sixty (60) days after the effective date of this chapter shall prescribe and submit to

the Construction Code Authority for its approval as provided in Article VII, Section 14, of Chapter I hereof, a method for checking competitive bids submitted by members of this division.

SECTION 2. No member of this division shall 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, or secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale or contract.

SECTION 3. No member of this division shall submit a competitive bid, as defined in Section 1 of Article VII of Chapter I of this Code, to an owner or any other person corresponding to an awarding authority as therein defined, unless such owner or other persons agree to comply with the regulations provided therein governing an awarding authority.

ARTICLE V—MODIFICATIONS

SECTION 1. Subject to the provisions of Section 2 (c) of Article IV, B, of Chapter I hereof, the provisions of this Chapter except as to the provisions provided by the Act may be modified on the basis of experience or changes in circumstances, such modifications to be based on application to the Administrator and such notice and hearing as he shall specify and to become effective upon his approval.

ARTICLE VI—REFERENCE TO PROVISIONS OF CHAPTER I

The provisions of Section 7 (a) and 10 (b) of the Act, which are set forth in Section 1 and 6 respectively of Article VIII of Chapter I of this Code are specifically incorporated herein by reference with the same force and effect as if set forth herein in full; all other provisions of Chapter I of this Code, except as herein provided, apply within this Division with the same force and effect as if set forth herein in full.

ARTICLE VII—REVIEW OF ACTS OF CODE AUTHORITIES

If the Administrator shall determine that any action of the Divisional 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 the Divisional 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 days' notice to him of intention to proceed with such action in its original or modified form.

ARTICLE VIII

This Code (Chapter I and this Chapter) shall become effective within this Division on the second Monday after the approval of this Chapter by the President.

Approved Code No. 244—Supplement No. 7.
Registry No. 1015-02.



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