

NATIONAL RECOVERY ADMINISTRATION

SUPPLEMENTARY  
CODE OF FAIR COMPETITION

FOR THE

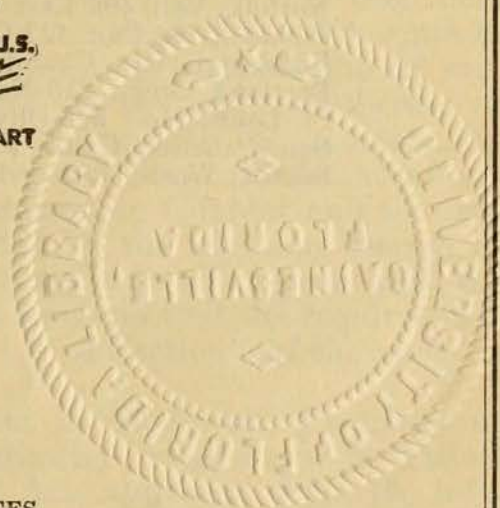
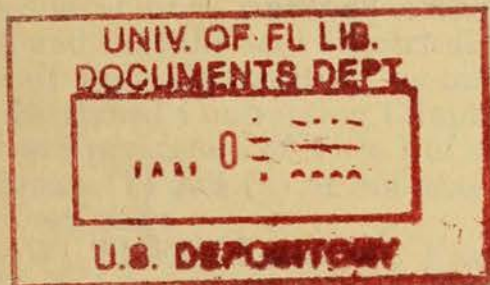
ELECTRICAL CONTRACTING  
INDUSTRY

(A Division of the Construction Industry)

AS APPROVED ON APRIL 19, 1934

BY

PRESIDENT ROOSEVELT

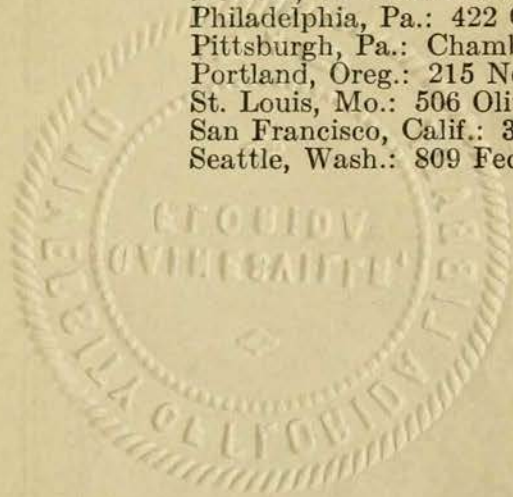


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Approved Code No. 244—Supplement No. 6

## **SUPPLEMENTARY CODE OF FAIR COMPETITION**

FOR THE

## **ELECTRICAL CONTRACTING INDUSTRY**

As Approved on April 19, 1934

BY

**PRESIDENT ROOSEVELT**

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### **EXECUTIVE ORDER**

#### **SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ELECTRICAL CONTRACTING 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 Electrical Contracting Chapter of said Code, and hearings having been held thereon, and the Administrator having rendered his report containing an analysis of said Electrical Contracting Chapter and of said Code of Fair Competition as modified by the addition thereto of said Electrical Contracting Chapter, together with his recommendations and findings with respect thereto, and the Administrator having found that the said Electrical Contracting Chapter and the said Code of Fair Competition, as modified by the addition thereto of said Electrical Contracting 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 Electrical Contracting Chapter be and it is hereby approved, and that the previous approval of said Code of Fair Competition for the Con-

struction Industry is hereby modified to include an approval of said Code in its entirety as modified by the addition thereto of said Electrical Contracting 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 the Electrical Contracting 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 public hearings conducted in Washington on September 7th and 8th 1933, and January 22, January 31, February 12, February 26, and March 12, 1934. Additional 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 3, pages 75 to 82 inclusive, and pages 173 to 212 inclusive. These hearings were held in accordance with the provisions of the National Industrial Recovery Act, and this Chapter was thereafter revised and re-submitted.

### THE INDUSTRY

The Electrical Contracting Division is an important branch of the Construction Industry, both in original construction and also in re-tailing, servicing, and maintaining 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 set forth in Chapter I of the Code of Fair Competition for the Construction Industry, approved by you on January 31, 1934, are applicable to this Chapter. In addition to the minimum wage set forth in Chapter I of the Construction Code, a minimum wage rate of seventy-five (75¢) per hour has been set forth for skilled labor in the Electrical Contracting Division.

The International Brotherhood of Electrical Workers has a total membership, according to statements made by that organization, of 150,000 electricians. Of these, 94,000 are paid-up members. From this number must be subtracted 31,000 normally engaged in repair, service and maintenance, a classification not included in the definitions of this Chapter.

The remaining electricians, who will operate under the provisions of this Code, number 63,000.

Since the employers, as included in the definitions of this Chapter, employed approximately 25,000 electricians, it may be seen that practically all of these employees are represented by the International Brotherhood of Electrical Workers and should be considered as such in the determination of the skilled rate agreement.



## ECONOMIC EFFECT OF THE CODE

This Industry gave direct employment in 1930 to 73,980 workers. Its volume of business in that year was \$457,000,000. 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 benefitted.

## FINDINGS

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

I find that:

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

(d) Said Electrical Contracting Chapter and the Code of Fair Competition for the Construction Industry, as supplemented by the addition thereto of said Electrical Contracting 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 by said Electrical Contracting Chapter and of said Code, as supplemented by the addition thereto of this Electrical Contracting Chapter thereof.

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

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

APRIL 19, 1934.



## CHAPTER VI—

# ELECTRICAL CONTRACTING DIVISION OF THE CONSTRUCTION INDUSTRY

## ARTICLE I—DEFINITIONS

**SECTION 1.** The term “Electrical Contracting Division” or “this Division” as used herein is defined to mean the erecting, installing, altering, repairing, servicing, or maintaining electric wiring, devices, appliances, or equipment, including the purchasing from suppliers and the selling of manufactured parts and products incorporated in such installation, provided that:

(a) The provisions of this Chapter shall not apply to work for telephone or telegraph service where such work is an integral part of the communication system owned and operated by a telephone or telegraph company in rendering its duly authorized service as a telephone and telegraph company.

The provisions of this Chapter shall apply to the installing of telephone and telegraph cables and wires in raceways or conduits in buildings in the process of construction where, pursuant to existing or future agreements or understandings, such work is performed by others than telephone or telegraph operating companies.

Should controversies arise as to whether or not such agreements or understandings exist such controversies shall be referred for decision to such board in the National Recovery Administration as may have been, or may be designated by the Administrator.

(b) The provisions of this Chapter shall not apply to electrical work for the generation and primary distribution of electric current, or the secondary distribution system ahead of the meter, where such work is an integral part of the system owned and operated by an electric light and power company in rendering its duly authorized service, is done by such a company's own employees, and/or is work on customer's premises necessary for the rendering of safe and continuous service, but the provisions of this Chapter shall apply to the installation, permanent alteration or repair, or maintenance of electric wiring, devices, appliances or equipment of private owners other than an electric light and power company not elsewhere excluded in this Section.

(c) The provisions of this Chapter shall not apply to the sale or rental of electrical signalling apparatus or systems for protection against fire, burglary or robbery, or to the servicing of such signalling apparatus or systems, where such work is an integral part of such a system owned and serviced or maintained by an individual, firm, corporation, or other form of enterprise engaged in such business.

(d) The provisions of this Chapter shall not apply to manufacturing or assembling in the manufacturer's plant, nor to servicing



or repairing of electrical apparatus, appliances or equipment by a manufacturer or by an electric repair shop, but the provisions of this Chapter shall apply to the installation of all new electrical work on the customer's premises not elsewhere excluded in this Section.

An electric repair shop, for the purposes of this paragraph, shall mean an establishment engaged in the repairing, rewinding and reconditioning of motors, generators, transformers and other electrical apparatus.

(e) The provisions of this Chapter shall not apply to the maintaining, servicing or repairing of existing installations of electric wiring, devices or equipment, or the moving and relocating of equipment within a plant or property, performed by an owner or tenant (not for hire), individually or with his permanent employee or employees for electrical maintenance work within his own property, but the provisions of this Chapter shall apply to the installation of all new electrical work not elsewhere excluded in this Section.

The term "permanent employee", as used in this paragraph is confined to any employee who is regularly and continuously employed, or who has been so employed by any such owner or tenant within such owner's or tenant's own plant or property for a period of not less than six months.

SECTION 2. The term "Association" as used herein means the National Electrical Contractors Association.

## ARTICLE II—HOURS, WAGES, AND CONDITIONS OF EMPLOYMENT

SECTION 1. No skilled electrical worker shall be paid at less than the rate of seventy-five cents (75¢) per hour: provided, however, that this shall not be construed to authorize reductions in existing rates of pay; and provided further, that the Administrator may reconsider the provisions of this section upon the expiration of a period of Ninety (90) days after the effective date of this Chapter, or thereafter if he shall deem necessary, and, upon the basis of such reports, studies or hearings as he may obtain or conduct, may require such modification of, or make such other determination with respect to, the provisions of this section as he shall by his further order direct; and provided further, that if it shall be represented to the Administrator and he shall determine that the provisions of this section impose undue hardship upon employers or employees or both, within any region or locality, he may at any time grant such stay of or exemption from or exception to the provisions of this section within such region or locality as he may determine justice requires; and provided further that the provisions of this section shall be subject to the provisions of Section 7 (b) of the Act, or any actions taken thereunder or in accordance therewith.

SECTION 2. The minimum rates of pay applicable to employees within this Division shall be maintained regardless of whether the employee is compensated on the basis of a time rate, piece-work or other basis.

SECTION 3. Not more than one person not employed as a skilled electrical worker shall be employed to each three skilled electrical workers or fraction thereof on any electrical construction or installation work.



SECTION 4. No member of this Division shall directly or indirectly sublet to any employee or laborer, the labor services required by any contract secured by such member.

SECTION 5. In no case shall a member of this Division avoid or evade the labor provisions of this Chapter by contracting his work to any person or persons subject to labor provisions less stringent than those provided in this Chapter.

SECTION 6. Wages as they become due shall be payable in lawful currency of the United States, or by negotiable check therefor payable on demand at par.

SECTION 7. A member of this Division or his 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 rates of wages or the working conditions of his employees.

SECTION 8. Any member of this Division shall be subject to the applicable maximum hourly limitations provided in Chapter I of this Code in the performance by him of manual labor or mechanical occupations customarily performed by an employee.

SECTION 9. For the purposes of this Chapter, an employee engaged in supervisory work, as referred to in sub-paragraph 3, Paragraph B, Section 2, Article III of Chapter I, shall be defined as an employee who does not work with tools, or does not engage in manual labor.

SECTION 10. Watchmen may be permitted to work, not in excess of fifty-six (56) hours in any week, but not in excess of six days in any week.

SECTION 11. 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.

SECTION 12. Within thirty (30) days after the approval of this Code, all employers subject to its provisions shall post in a conspicuous place in their respective shops and other established places of business complete copies of the labor provisions of Chapter I and of this Chapter.

### ARTICLE III—ADMINISTRATION

To further effectuate the policies of the Act, a Divisional Code Authority is hereby constituted for the Electrical Contracting Division, to be known as the "Electrical Contractors Code Authority", to cooperate with the Administrator in the administration of this Code.

SECTION 1. The Divisional Code Authority shall consist of ten (10) individuals, or such other number as may be approved from time to time by the Administrator, to be selected as hereinafter set forth.

SECTION 2. Seven (7) members of the Divisional Code Authority shall be appointed by the Executive Committee of the Association from the Association's membership to serve for terms of not more than one (1) year. The three (3) additional members shall be selected on a fair and representative basis by the Executive Com-



mittee of the Association from members of this Division who are not members of the Association, each of the non-members so selected to be approved by the Administrator and to serve for a term of not more than one (1) year; subject, however, to the exercise at any time by the non-members of the Association of their right to select, pursuant to a method of selection approved by the Administrator, their own representatives on the Divisional Code Authority as successors to the three (3) members then in office appointed by the said Executive Committee.

Each member of the Divisional Code Authority shall have one vote.

Appointees who are members of the Association may at any time be replaced by the appointing agency subject to review by the Administrator.

SECTION 3. 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—FAIR TRADE PRACTICE REGULATIONS

SECTION 1. A member of this Division bidding upon or undertaking to execute electrical work within this Division should be properly qualified by capital, organization, technical training and experience in the industry, to direct the installing, altering, or repairing of electrical wiring, devices, appliances, or equipment.

SECTION 2. A member of this Division shall not submit an estimate price on any job, or submit a bill for his services, without retaining a record showing the true cost upon which his estimate is based or his charges were determined.

SECTION 3. *Selling Below Cost.*—A. No member of this Division shall quote, sell or offer to sell any product, installation, or other service within this Division at less than his individual cost thereof, cost for the purpose of this rule to be determined pursuant to the cost finding and/or estimating methods provided for in Section 4 of this Article.

B. The term "cost" as used in this Section is defined as the sum of the following items of cost:

1. Materials

2. Labor

3. Job expense, which shall include:

(a) Drafting

(b) Delivery of materials

(c) Transportation for employees, if any

(d) Hotel expense for employees, if any

(e) Municipal permits, inspection fees, if any

(f) Public liability and compensation insurance

(g) Code Authorities fees chargeable to job

4. Overhead expense, excluding items of depreciation on unused facilities, interest on indebtedness, interest on investment or selling expense, (Estimating expense shall not be considered as selling expense for the purposes of this paragraph 4.)



C. The labor item of cost shall include, in respect of labor services or operations performed by any individual member of this Division, or any combination or association of such individual members, a charge of not less than the minimum rate established in or pursuant to this Code as applicable to the performance of such services or operations by employees.

SECTION 4. The Divisional Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of the industry which shall be subject to the approval of the Administrator. After such system and methods have been so formulated and approved, full details concerning them shall be made available to all members. Thereafter all members shall determine and/or estimate cost in accordance with the principles of such methods, provided that for the purposes of the provisions of Section 3 of this Article restricting selling below cost, there shall be excluded from overhead expense the items excluded therefrom in sub-paragraph 4 of paragraph B of Section 3.

SECTION 5. When the Divisional Code Authority determines that an emergency exists in this industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Chapter, the Divisional Code Authority may cause to be determined the lowest reasonable cost of the products of this industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the industry to sell or offer to sell any products of the industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Divisional Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

SECTION 6. No member of this Division shall make any secret agreement with any awarding authority or a purchaser concerning any terms of payment, rebate, or special conditions not included in his original bid.

SECTION 7. No member of this Division shall change his bid price except for variations in wages or material prices, or substantial changes in the original plans and specifications, and then only to an extent consistent with the actual change of cost involved.

SECTION 8. 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 herein defined unless such owner or other person agrees to comply with the regulations provided herein governing competitive bidding.

SECTION 9. No member of this Division shall submit a bid on any work after the closing time set for receiving bids or after other bids have been opened, except as may be permitted in Section 10, Article VII, Chapter I of this Code.

SECTION 10. Members of this Division shall submit bids including temporary work only when the quantities are distinctly stated, except



where they are made on a cost-plus basis. Maintenance and cost of current shall be assumed only on a percentage basis.

SECTION 11. (a) Each local Administrative Committee appointed by the Divisional Code Authority to have supervisory jurisdiction of this Chapter in its territory shall have at least one member who is not a member of the Association. Such Committee shall designate a depository for bids, which shall be a bank or trust company or other agency approved by the Divisional Code Authority.

(b) Members of this Division bidding on any job exceeding two hundred and fifty dollars (\$250.00), or such lesser sum as determined by the Local Administrative Committee, shall file sealed copies of their bids, and any revisions thereof, with such designated depository, who shall hold same, sealed and confidential, until after the bids have been opened.

(c) Each member of this Division bidding on such jobs shall indicate in his proposal to the purchaser that a copy of same has been delivered in a sealed envelope to the designated depository.

(d) Upon notification that the contract has been awarded, or that the bids have been opened, the depository shall deliver all copies of bids for such work to the Local Administrative Committee having supervisory jurisdiction. Such Committee shall open all bids, tabulate same, and send copies of such tabulations, together with details of the contract award, to each bidder who shall pay to the Local Administrative Committee his equitable proportionate share of the cost of handling, tabulating, and distributing such information, but not over one dollar (\$1.00) for each bidder.

SECTION 12. (a) Upon the request of a bidder, the Divisional Code Authority or the Local Administrative Committee appointed by it, shall select a Committee of Review composed of not more than three qualified persons, who are not bidders on the particular job, at least one of whom shall not be a member of the Association, which committee shall be directed to make such investigation as will enable it to determine whether this Code of Fair Competition has been violated in the bidding on the job in question.

(b) In the event the Committee of Review shall find that any such violation has occurred, their findings on the violation together with a summary of the facts upon which they are based, shall be reported to the Local Administrative Committee or the Divisional Code Authority, for such action as may be appropriate.

SECTION 13. Members of this Division shall uphold the enforcement of all public regulations applicable to electrical work, and shall cooperate to prevent the installation of illegal or inadequate electrical construction work.

SECTION 14. In the event that any member of this Division is also engaged in or employs the same capital for a wholesaling, manufacturing and/or other business with the contracting business, such member shall conduct his contracting business in such separate manner and with such separate records, accounts, and methods of accounting and costs, as will enable such contracting business to be conducted in accordance with the applicable provisions and requirements of this Code with respect thereto, allocating to such contracting business the proper amount of all costs and expenses, including overhead and administrative expense, not otherwise spe-



cifically divisible between such wholesaling, manufacturing and/or other business and such contracting business.

SECTION 15. If the Divisional Code Authority determines that in any branch or subdivision of this Industry it has been the generally recognized practice to conduct its business or any part thereof on the basis of printed net price lists, or price lists with discount sheets, and fixed terms of payment, which are distributed to the trade, which determination shall be subject to the approval of the Administrator before becoming effective, each member of this Division engaged in business within such branch or subdivision shall within five (5) days after notice of such determination file with the Divisional Code Authority, or its designated Local Administrative Committee, a net price list or a price list and discount sheet as the case may be, individually prepared by him showing his current prices, or prices and discounts, and terms of payment, and the Divisional Code Authority, or its designated Local Administrative Committee, shall immediately send copies thereof to all known members of this Division engaged in such business in that trading area and shall make same readily available to buyers or prospective buyers who desire the same. Revised price lists with a discount sheet necessary to show the true price may be filed with the Divisional Code Authority, or its designated Local Administrative Committee, by any member of this Division engaged in such business, to become effective upon the date specified therein. Copies of revised price lists and discount sheets, with notice of the effective date specified, shall be immediately sent to all known members of the Industry engaged in such business in such trading area, who thereupon may file, if they so desire, revisions of their price lists and/or discount sheets.

No member of this Division shall offer any lower price, or greater discounts or more favorable terms than those provided in his current net price lists or price lists and discount sheets on file with the Divisional Code Authority or its designated Local Administrative Committee.

SECTION 16. The Standard Form of Contract Documents of the American Institute of Architects is recommended to be the basis for all contracts.

#### ARTICLE V—MODIFICATIONS

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

#### ARTICLE VI—REFERENCE TO PROVISIONS OF CHAPTER I

The provisions of Sections 7 (a) and 10 (b) of the Act, which are set forth in Sections 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. 6.  
Registry No. 1211-1-08.





