

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

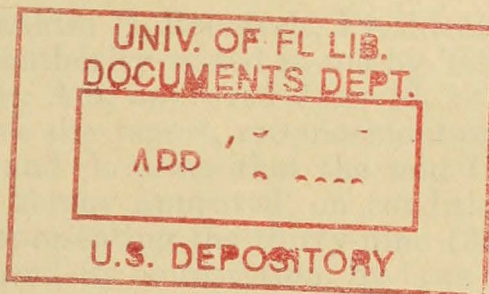
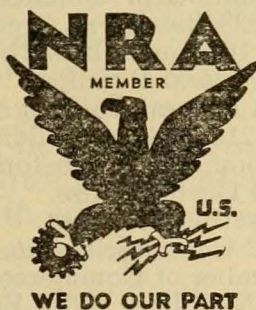
MACHINERY AND

ALLIED PRODUCTS INDUSTRY

AS APPROVED ON MARCH 17, 1934

BY

PRESIDENT ROOSEVELT



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1934

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Approved Code No. 347

CODE OF FAIR COMPETITION

FOR THE

MACHINERY AND ALLIED PRODUCTS INDUSTRY

As Approved on March 17, 1934

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

**CODE OF FAIR COMPETITION FOR THE MACHINERY AND ALLIED PRODUCTS
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 my approval of a Code of Fair Competition for the Machinery and Allied Products 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, recommendations, and findings of the Administrator, and do order that the said Code of Fair Competition be, and it is hereby approved, on condition that each of the trade associations representing the thirty-nine (39) subdivisions of this Code shall amend its constitution, by-laws and/or articles of incorporation or association to the satisfaction of the Administrator within thirty (30) days after the effective date of this Code and that the code authority constituted under this Code and the code authority under the Code of Fair Competition for the Automotive Parts and Equipment Industry study the definitions contained in the two codes referred to, and within sixty (60) days

from the effective date of this Code recommend to the Administrator such changes in said definitions as will eliminate any overlapping therein.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

The WHITE HOUSE,
March 17, 1934.

LETTER OF TRANSMITTAL

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Machinery and Allied Products Industry, and the hearing conducted thereon in the Rose Room of the Washington Hotel, Washington, D.C., on February 9, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act. Every person who filed a request for an appearance was freely heard in public and all statutory and regulatory requirements were complied with.

GENERAL STATEMENT

The heavy machinery industry has suffered more through the depression than almost any other industry and it is facing continuing problems. In view of this fact, a cross-section of this durable goods industry effected an organization to deal with these problems and to avail itself of the facilities of the National Recovery Administration by submitting this proposed basic code for the Machinery and Allied Products Industry.

The industry at present consists of 39 subdivisions. The trade associations representing these 39 subdivisions are representative of approximately 88 per cent of the dollar volume of business coming within the definition of this industry.

The code expressly provides that each subdivision may file an application for a supplemental code which shall be applicable solely to such subdivision and which shall not be inconsistent with any of the provisions of this basic code. It also expressly provides that any subdivision may withdraw from the basic code by a vote of the employers within such subdivision; that the supplemental code for such subdivision, together with such pertinent provisions of this basic code as shall be defined by such supplemental code shall then become the code for such former subdivision and its code authority shall perform all the functions with respect to such code.

ECONOMIC EFFECT OF THE CODE

Since the scope of this basic code is so broad, its economic effect can best be shown in the report on the individual subdivisions when their supplemental codes are submitted for approval.

RÉSUMÉ OF CODE

Article I—Purposes—sets forth the purposes of this code and prescribes the method by which any subdivision of the industry may apply to the President for a code supplementary to this basic code.

Article II—Definitions—specifically defines the 39 subdivisions of the industry and various general terms used in the code.

Article III—Working Hours—provides that employees shall not be permitted to work in excess of 40 hours in any one week or eight hours in any one day, or more than six days in any seven day period, except that this shall not apply to executives, those employed in a supervisory or administrative capacity or their immediate assistants, and salaried technical men and field service engineers being paid at the rate of \$35.00 or more per week, and traveling salesmen. Watchmen are to be permitted to work 56 hours per week. Power plant engineers and firemen shall be permitted to work not in excess of 45 hours in any seven day period.

The maximum hours shall not apply in the following cases, in which cases overtime is paid for at one and one-half times the regular rate:

(1) Employees on emergency maintenance or emergency repair work involving breakdown or protection of life or property.

(2) For six weeks in any 26 week period, during which period overtime shall not exceed eight hours in any one week.

At least one and one-half times the regular rate shall be paid for all work performed on Sundays or legal holidays, except by watchmen, power plant engineers and firemen.

Article IV—Wages—provides that employees engaged in plant operations shall be paid as follows: (1) in cities of more than 50,000 population and their immediate vicinity, 40 cents per hour; (2) in cities of more than 10,000 but not more than 50,000 population and their immediate vicinity, which cities are not in the immediate vicinity of a city of more than 50,000 population, 38 cents per hour; (3) in cities of 10,000 population or less and their immediate vicinity, which cities are not in the immediate vicinity of a city of more than 10,000 population, 36 cents per hour, except that employees engaged in plant operations in all localities in the states of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas and Oklahoma, shall be paid not less than 32 cents per hour.

When females do substantially the same work as males or replace males, they shall receive the same pay. However, no female employee shall be paid less than 87½ per cent of the proper rate for the locality in which employed.

Office boys and girls and apprentices shall be paid not less than 80 per cent of the minimum wage.

Employees other than those engaged in plant operations shall receive not less than \$15.00 per week.

Article V—General Labor Provisions—includes the provisions of Section 7 (a) of the National Industrial Recovery Act, and provides that no person under 16 years of age shall be employed in the industry, nor any one under 18 years of age in operations or occupations hazardous in nature or detrimental to health. It also provides that employers shall post copies of the code in conspicuous places.

Article VI—Administration—provides that in order to administer, supervise and facilitate the enforcement of the code, there shall be a basic code authority consisting of not less than 12 nor more than 15 members elected by members of the industry, each employer having

one vote in such election. The Administrator may appoint not more than three members to serve without vote.

This Article provides that voting on matters other than the election of the basic code authority shall be by each of the two following methods: (1) by one vote by each employer, and (2) vote weighted on the basis of one vote for each \$100,000 of annual sales, each employer to have at least one vote.

Article VII—Additional Subdivisions—sets forth the procedure which additional groups of employers, who are truly representative of divisions of machinery production, may become aligned under this code and have their own supplemental codes as subdivisions of this industry.

Article VIII—Modifications and Termination; Article IX—Withdrawal; Article X—Monopolies; Article XI—Effective Date. These Articles contain provisions regarding changes and modification of the code, the termination date of the code (June 16, 1935), the conditions under which the code authority of a subdivision may become the sole code authority of that subdivision, the avoidance of monopolistic, oppressive and discriminatory construction and application of the code, and a provision that the code shall become effective on the eleventh day after its approval by the President.

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 reducing 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) 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.

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

(d) The Code is 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 Code.

For these reasons, therefore, I recommend that this Code be approved, on condition that each of the trade associations representing the thirty-nine (39) subdivisions of this Code shall amend its constitution, by-laws and/or articles of incorporation or association to the satisfaction of the Administrator within thirty (30) days after the effective date of this Code and that the code authority constituted under this Code and the code authority under the Code of Fair Competition for the Automotive Parts and Equipment Industry study the definitions contained in the two codes referred to, and within sixty (60) days from the effective date of this Code recommend to the Administrator such changes in said definitions as will eliminate any overlapping therein.

Respectfully,

HUGH S. JOHNSON,
Administrator.

MARCH 9, 1934.

CODE OF FAIR COMPETITION FOR THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act the following provisions are established as a Code for the Machinery and Allied Products Industry, and shall be the standard of fair competition for this Industry, and shall be binding on every employer therein.

The employers composing each of the Subdivisions of the Industry as hereinafter defined in Article II, acting through their respective trade associations (member of applicant) or otherwise, may file an application for a Supplemental Code which shall be applicable solely to such Subdivision and which may deal with all subjects applicable solely to such Subdivision not provided for by this Code and not inconsistent with any provision of this Code. The Supplemental Code of each Subdivision shall include by reference and make binding upon the Subdivision all the provisions of this Code. Upon approval by the President the provisions of such Supplemental Code shall be binding on such Subdivision and upon each employer therein.

ARTICLE II—DEFINITIONS

Applicant means the Machinery and Allied Products Institute.

Machinery and allied products industry or the *Industry* consists of the following Subdivisions, each of which is defined in the following separate paragraphs of this Article:

(1) *Air filter subdivision* means the manufacture for sale of equipment used solely for the cleaning of air and other gases, and parts thereof except for use in aeroplanes, automobiles, trucks or tractors and includes all those engaged in such manufacture for sale.

(2) *Bakery equipment manufacturing subdivision* means the manufacture for sale of bakery machinery, ovens, and general equipment and appliances, accessories thereto and parts thereof, and includes all those engaged in such manufacture for sale, excepting, however, those who are engaged in the manufacture of equipment, appliances and accessories and parts therefor coming within the definition of another industry as defined in an approved code for such other industry and who are not otherwise employers within the scope of the definition of this Subdivision.

(3) *Beater & jordan & allied equipment subdivision* means the manufacture for sale of beaters & jordans & allied equipment and parts thereof, and includes all those engaged in such manufacture for sale.

(4) *Caster and floor truck manufacturing subdivision* means the manufacture for sale of casters of all descriptions, including furni-

ture, metal bed, washing machine, hospital, truck casters, and miscellaneous casters, and floor protective devices, commonly called glides, slides and rests; hand propelled floor trucks of all descriptions, trailers (other than highway trailers), barrel skids and parts of all the foregoing products, and all articles and devices kindred or incident to the caster and/or floor truck business, and includes all those engaged in such manufacture for sale.

(5) *Cereal machinery subdivision* means the engineering, designing, manufacturing and/or importing and assembling for sale of machinery including spare, repair and replacement parts thereof; this includes reduction, cleaning, roasting, drying, cooling, separating, mixing and flaking machinery as used in the manufacture and processing of cereals, seeds and nuts and/or their by-products and includes supplies and/or equipment directly or indirectly incident thereto and also includes grinding and corrugating of mill rolls (excluding machinery and/or equipment for extracting vegetable oils, hammer mills, machinery as sold for use on farms, machinery and/or equipment or parts therefor having a general application and use for purposes other than the uses hereinabove enumerated) and includes all persons so engaged.

(6) *Concrete mixer subdivision* means the manufacture for sale of concrete mixers of the building mixer, paving mixer, truck mixer and agitator type, and parts thereof, and includes all those engaged in such manufacture for sale.

(7) *Contractors' pump subdivision* means the manufacture for sale of dewatering and pressure pumps of the following types: diaphragm, standard centrifugal up to 8" in size and self priming centrifugal up to 6" in size for dewatering purposes; plunger and piston type trench pumps; contractors' water supply pumps, and road pumps and parts thereof, intended for use by contractors in the construction industry, and includes all those engaged in such manufacture for sale.

(8) *Conveyor and material preparation equipment manufacturing subdivision* means the designing, manufacturing, and assembling for sale, and installing when required, of equipment (stationary or portable), for handling, transporting and elevating mechanically, materials and articles (either packaged or loose), and also equipment for cleaning, preparing and processing bulk materials while being mechanically handled (excepting, however, machinery and/or equipment wherein a conveyor or material preparation mechanism is an integral part thereof, and one or more processes or functions are performed within such machinery and/or equipment for the processing of food products or seeds), and includes all persons so engaged.

In connection with the designing, manufacturing, assembling, and installing of such equipment, the Subdivision uses only the following mechanisms, or one or more of them: chains, belts and cables with or without drag scrapers; cleats, trolleys and buckets; gravity chutes; power driven and gravity rollers, wheels and balls; belt idlers; screw conveyors; screens and mechanical cleaning devices; and mechanisms and supports required for their operation. The Subdivision shall include the designing, manufacturing, assembling and installing of power driven and gravity rollers and wheels, belt idlers, screw conveyors, screens and mechanical cleaning devices;

provided that it shall not include the designing and/or manufacturing for sale of other mechanisms, although such mechanisms are used as parts of the equipment designed, manufactured and assembled by it for sale.

(9) *Diamond core drill manufacturing subdivision* means the manufacture for sale of diamond core drills, supplies, fittings, equipment, and parts thereof, and includes all those engaged in such manufacture for sale.

(10) *Diesel engine manufacturing subdivision* means the manufacture for sale of Diesel engines and/or parts thereof, except Diesel engines used (1) in, and for the propulsion of, aeroplanes, automobiles, trucks or tractors, and (2) in, and for the operation of, portable air compressors, and includes all those engaged in such manufacture for sale.

(11) *Envelope machine manufacturing subdivision* means the manufacture for sale of machinery and/or parts thereof for use in the manufacture and/or production of envelopes of all kinds, including the erecting, designing, servicing, maintenance, and repair of such machinery and/or parts thereof, and includes all those engaged in such manufacture for sale.

(12) *Hair clipper manufacturing subdivision* means the manufacture for sale of hand or electrically or other power-operated hair clippers for human or animal use, products directly or indirectly incident thereto, appliances and parts thereof, and includes all those engaged in such manufacture for sale.

(13) *Hoist builders subdivision* means the design, manufacture, contracting for and/or subletting the manufacturing for the sale of hoists operated by electricity, gas, oil, air or steam, for hoisting or hauling materials or men and for all industrial uses in which such type of hoists, commonly known as mine hoists are applicable, including spare, repair and replacement parts thereof, and includes all those so engaged; provided that the Subdivision shall not include those types of hoists, including spare, repair or replacement parts thereof, commonly known as contractors hoists, slusher hoists, direct lift hoists, simple cylinder hoists, monorail hoists, trolley hoists, body and dump truck hoists.

(14) *Hoisting engine manufacturing subdivision* means the manufacture for sale of power-operated hoisting or winding engines such as are used in construction work, sand and gravel operations, logging, and dredging, and special modifications thereof, including accessory equipment used therewith such as derricks, whirlers, and cableways, and spare, repair and replacement parts thereof, but not including the type commonly known as mine hoists, and includes all those engaged in such manufacture for sale.

(15) *Hydraulic machinery subdivision* means the manufacture for sale, erecting, and selling of hydraulic machinery of all kinds and parts thereof, whether using water or any other liquid, including specifically but without in any way limiting the generality of the foregoing, hydraulic machines and presses, hydraulic testing machines (made to special order), hydraulic accumulators, and also other accessories such as pumps, valves, and fittings and parts thereof incident to the operation of such hydraulic equipment. It excludes, however, prime movers such as turbines, water wheels, and their

accessory equipment, hydraulic brakes and/or parts therefor, hydraulic shock absorbers, hydraulic bumpers and hydraulic dump trucks. It includes all those engaged in such manufacture for sale.

(16) *Jack manufacturing subdivision* means the manufacture for sale of jacks and parts thereof used generally in the construction, railroad, mining, and general industrial field, exclusive of automotive jacks, and includes all those engaged in such manufacture for sale.

(17) *Kiln, cooler, and dryer manufacturing subdivision* means the design, manufacture, contracting for or subletting the manufacturing for the sale of kilns, coolers, and dryers and accessory equipment for the manufacture of cement and lime, and for use in all mineral, metallurgical, and chemical processes, including spare, repair and replacement parts thereof, and includes all those so engaged.

(18) *Locomotive manufacturing subdivision* means the building and/or manufacturing for sale and selling of locomotives of more than 600 horsepower capacity per locomotive used for tractive power on railroads and/or finished and semi-finished component, repair and replacement parts thereof and/or therefor, by builders of locomotive and/or their affiliated companies; provided, however, that locomotives propelled by electric motors (including finished and/or semi-finished component, repair and replacement parts thereof and/or therefor and used therein) may be built and/or manufactured for sale and sold either by members of this Subdivision under this Code or by members of the Electrical Manufacturing Industry under its Code. Locomotives of more than 600 horsepower capacity but not to exceed 1,200 horsepower capacity and/or finished and semi-finished component, repair and replacement parts thereof and/or therefor may be built and/or manufactured for sale and sold by the Small Locomotive Subdivision under this Code. "Horsepower" means the figure arrived at by multiplying tractive effort (taken at that speed at which the maximum horsepower will be produced) by the speed in miles per hour and dividing that result by 375. The term "affiliated company" as used in this paragraph means a company whose relations to another company are such that either one has, directly or indirectly, a substantial stock interest in the other, or that a third company has, directly, or indirectly a substantial stock interest in both; provided, however, that in the event of a dispute or disagreement regarding the term "affiliated company" as used herein, such dispute or disagreement shall be referred for decision to an arbitration committee, elected or appointed by a fair method of selection. Should any member of this Subdivision desire to appeal from the decision of said arbitration committee, such member may appeal direct to the Administrator, whose decision in the matter shall be final.

(19) *Mechanical lubricator subdivision* means the manufacture or assembly for sale of power-driven force-feed lubricators for cylinders and bearings of Diesel engines and other internal combustion engines; for cylinders and bearings of steam engines; for cylinders and bearings of all types of compressors; for automatic lubrication of all types of machinery requiring lubricants to be fed to moving parts; and parts thereof, and includes all those engaged in such manufac-

ture or assembly for sale. It does not include force-feed lubricators for steam railway locomotives or pressure oiling systems for automotive vehicles or force-feed lubricators when manufactured as part of another product by the manufacturers of such other product. Employers otherwise engaged in the Farm Equipment Industry may manufacture for sale and sell mechanical lubricators as used or sold in connection with trucks and tractors, under the provisions of the Code of the Farm Equipment Industry and not under the provisions of this Code.

(20) *Oil field pumping engine manufacturing subdivision* means the manufacture for sale of internal combustion engines of the slow-speed, stationary, oil-well pumping type, using natural gas or oil for fuel, accessories thereto and parts thereof, and includes all those engaged in such manufacture for sale.

(21) *Power transmission subdivision* means the manufacture for the sale of flat belt pulleys, rope sheaves, couplings, collars, hangers, pillow blocks, journal boxes, clutches and other incidental machinery and appliances used in the transmission of power, but exclusive of shafting, multiple V-belt drives, belting, cut gears, cut tooth and cast tooth sprockets, chains, speed reducers, and automotive parts, and parts thereof, and includes all those engaged in such manufacture for sale. Employers otherwise engaged in the Farm Equipment Industry may manufacture for sale and sell power takeoff equipment used in connection with tractors and gear reduction devices for power takeoff for farming machinery, under the provisions of the Code of the Farm Equipment Industry and not under the provisions of this Code.

(22) *Pulverizing machinery and equipment subdivision* means the design, manufacture, contracting for or subletting the manufacturing for the sale of ball, tube, roller and attrition types of pulverizing machines, air separators or classifiers of dry materials, and auxiliary equipment including spare, repair, and replacement parts thereof, and includes all those so engaged; provided that the Subdivision shall not include fuel-pulverizing equipment or spare, repair or replacement parts thereof. Employers otherwise engaged in the Farm Equipment Industry may manufacture for sale and sell hammer mills, feed grinders and similar equipment for use on farms, under the Code of the Farm Equipment Industry and not under the provisions of this Code.

(23) *Railway and industrial spring manufacturing subdivision* means and includes only the business of producing and selling hot formed helical, elliptical, and special springs and/or pressed steel journal box lids and/or pressed steel spring plates.

(24) *Railway appliance manufacturing subdivision* means the manufacture for sale of railway hand cars, push cars, velocipede cars, motor cars and special appliances thereof, locomotive water cranes and parts thereof, and includes all those engaged in such manufacture for sale.

(25) *Reduction machinery subdivision* means the manufacture for sale of centrifugal impact crushers, generally known as hammermills and ring mills; disintegrators of the bar cage type; gravity impact crushers, generally known as Bradford breakers and cleaners; rotary

pot crushers; pick and needle breakers; single and double roll crushers, for primary, secondary and fine reductions, and auxiliary equipment, including rotary drum type dry mixers (excluding concrete mixers, and mixers for cereals, seeds and nuts) and including spare, repair and replacement parts thereof, and includes all those engaged in such manufacture for sale. Employers otherwise engaged in the Farm Equipment Industry may manufacture for sale and sell reduction machinery for processing grains and fodder on the farm under the provisions of the Code of the Farm Equipment Industry and not under the provisions of this Code.

(26) *Refrigerating machinery subdivision* means the engineering, design, and production of commercial and industrial ice making and refrigerating machinery and equipment incidental thereto. It is expressly states for the purposes of this Code that it is to apply to the engineering, design, manufacture, and sale, as well as erection and/or installation of such machinery and equipment incidental thereto. Any work or process incidental to and carried on by an employer at his plant or elsewhere as a part of the manufacture of any product of the Subdivision shall be governed by the provisions of this Code rather than of any other Code.

(27) *Rock and ore crusher subdivision* means the design, manufacture, contracting for or subletting the manufacturing for the sale of rock, gravel, and ore crushers for coarse and secondary reduction and includes spare, repair and replacement parts thereof, and includes screening and washing machinery, the sale (but not the manufacture) of conveying machinery, and any other accessory equipment and/or materials when sold with and incidental to crushing equipment, and includes all those so engaged; provided that the Subdivision shall not include crushers and associated machinery when mounted in portable units—also excluding hammermills.

(28) *Roller and silent chain subdivision* means the manufacture for sale of sprocket chain of steel, or other metals excepting malleable iron, of the types generally known as inverted tooth or silent chains, finished roller and rollerless-bushing chains (but not those commonly known as semi-finished chains), block chains having either cold drawn or laminated center blocks, and parts thereof, and such sprockets therefor as are manufactured by the manufacturers of said chains, and includes all those engaged in such manufacture for sale.

(29) *Rolling mill machinery and equipment subdivision* means the manufacture for sale of rolling mill machinery and equipment, including rolls (except hardened steel forged rolls unless made and sold as a part of such rolling mill machinery and equipment) and including roll stands, tables, shears, roll lathes, tube mill machinery and all other auxiliary equipment and parts thereof used in the rolling and processing of ferrous and non-ferrous metals to produce commercially recognized rolling-mill products, and includes all those engaged in such manufacture for sale.

(30) *Sawmill machinery subdivision* means the manufacture for sale of machinery and parts thereof for use in sawmills for converting saw logs or timbers into lumber and other timber products, and includes all those engaged in the manufacture of such machinery for sale.

(31) *Small locomotive subdivision* means the manufacture for sale and selling of locomotives of 600 horsepower or less, and/or parts thereof, and includes all those engaged in such manufacture for sale; locomotives of more than 600 horsepower, but not to exceed 1200 horsepower capacity and/or parts thereof may be manufactured for sale and sold by either this Subdivision or the Locomotive Manufacturing Subdivision under this Code; provided, however, that such locomotives propelled by electric motors including parts thereof for use therein, may be manufactured for sale and sold either by members of this Subdivision under this Code or by members of the Electrical Manufacturing Industry under its Code. "Horsepower" means the figure arrived at by multiplying tractive effort (taken at that speed at which the maximum horsepower will be produced) by the speed in miles per hour and dividing that result by 375.

(32) *Sprocket chain subdivision* means the manufacture for sale of sprocket chains of malleable iron, steel and other metals for conveying, elevating, and the transmission of power of the types generally known as roller chains, rollerless bushing chains, block chains, malleable and other cast detachable pintle and roller chains, balance and leaf chains, bar link chains, steel detachable link chains, combination cast and bar link chains, drop forged and rivetless chains, draw bench and haul-up chains, taintor gate and bridge chains, and parts for such chains and sprockets for same, and includes all those engaged in such manufacture for sale; except that there shall not be included therein the manufacture for sale of chains for hand hoists and those generally known as round link or coil chains, nor machine finished chains, as defined in the definition of the Roller and Silent Chain Subdivision. The manufacture of sprocket chain by farm equipment manufacturers is excluded from the manufacturing provisions of this Code but the marketing and trade provisions shall apply to all sprocket chain sold by such farm implement manufacturers for all purposes other than for use on farm implements.

(33) *Steam engine manufacturing subdivision* means the design, manufacture, contracting for or subletting the manufacturing for the sale of reciprocating steam engines, including spare, repair and replacement parts thereof for land and marine use, and includes all those so engaged; provided that the Subdivision shall not include locomotive and automotive types or spare, repair and replacement parts thereof.

(34) *Steel tire manufacturing subdivision* means and includes only the business of manufacturing and selling locomotive and railroad car wheel tires, other annular weldless rolled steel sections, and steel tired wheels for railroad, railway and/or industrial use.

(35) *Water meter manufacturing subdivision* means the manufacture for sale of water meters and parts thereof, and includes all those engaged in such manufacture for sale.

(36) *Waterpower equipment subdivision* means the business of manufacturing for sale, selling, erecting and/or designing equipment or machinery as enumerated below:

(Group 1) Hydraulic turbines, water wheels, impulse wheels, governors, governor pumping systems including pressure tanks and dump tanks, flume manholes, relief valves, energy absorbers, free discharge valves, drain valves, special and automatic valves; also

cast iron or cast steel or steel plate or structural steel (riveted or welded) spiral casings, pressure casings, speed rings, turbine wicket gates, head covers, curb plates, throat rings, bearings, bearing housings, pit liners, draft tubes and liners, short steel penstocks and intake pipes not exceeding thirty-five (35) feet in length; all of the above for water power plants.

(Group 2) Turbine shut-off valves, bypass valves, butterfly valves, large and special gate valves, needle valves, cylinder valves, conical valves and spherical valves for water power plants. This Group 2 shall include only such valves and fittings, including parts therefor or for their servicing, as are made by an employer in this Subdivision as a part of the products thereof for water power plants only, or as a separate assembly peculiar to such products.

(Group 3) Head gates, crest gates, sluice gates (except such sluice gates of cast metal construction, in no event of more than ten (10) feet diameter opening, as are normally produced and sold by members of the Valve and Fittings Manufacturing Industry), bypass gates, trash racks, rack rakes, lock gates, bear trap gates and modifications thereof, roller gates, roller sector gates, drum gates, vertical lift gates, vertical lift sector gates, taintor gates, taintor gate valves, cylindrical valves, filler gates, automatic gates, flashboards manually or automatically operated, of cast and/or fabricated steel plate construction together with hoists, operating machinery and automatic control equipment therefor. (Structural steel plates, shapes and bars included in the products of this Group 3 may be sold, fabricated and erected under the code of the Structural Steel and Iron Fabricating Industry, or the code of the Steel Plate Fabricating Industry, by employers in either of such industries who are not engaged in the production of other products in this Group 3.)

And other mechanical, plate and structural equipment including accessories and parts thereof applicable to groups 1 and 2 for water power plants and applicable to group 3 for water power plants, navigation dams, impounding dams, irrigation works, flood control works, water supply works including accessories, spare parts, repairs, replacement parts and parts thereof for all other water power and control purposes excluding Gantry crane hoists.

(37) *Water softener and filter subdivision* means the manufacture or assembly for sale of zeolite water softeners, lime-soda water softeners, water filters, and products allied thereto including the zeolite used therein and parts thereof, and includes all those engaged in such manufacture or assembly for sale.

(38) *Wire machinery subdivision* means the manufacture for sale of machinery for drawing wire and rod and the fabrication of wire and rod products. This includes wire and rod drawing machinery and accessories, shaping and flattening mills, machinery for stranding, cabling, etc., cutting-off, pointing, straightening, armor-ing, bending, forming, cold upsetting, cold heading, etc., and in general all machinery used in the working, processing or finishing of articles made from wire or rod in its raw state, and parts thereof, and includes all those engaged in such manufacture for sale. Employers not otherwise engaged in this Subdivision may manufacture for sale and sell machinery for cold upsetting and heading, and finishing machines for the product thereof, under the provisions of the

Code of another Industry and not under the provisions of this Code.

(39) *Woodworking machinery subdivision* means the manufacture for sale of woodworking machinery (exclusive of sawmill machinery), accessories and parts thereof, and includes all those engaged in such manufacture for sale.

And also such other and additional Subdivisions as shall hereafter be established within the provisions of this Code as provided in Article VII.

Except as provided in the definitions of the Locomotive Manufacturing Subdivision and the Small Locomotive Subdivision, the foregoing definitions shall not permit the manufacture for sale under this Code of electrical products included within the scope of the Electrical Manufacturing Industry as defined in the Code of Fair Competition for said Industry, except where such electrical products are sold as a part of the products of any Subdivision hereunder and not sold as separate electrical products in competition with similar products included within the scope of the Electrical Manufacturing Industry as defined in the Code of Fair Competition for said Industry; provided, however, that any employer hereunder may manufacture and sell under this Code any spare and/or replacement parts of any such electrical products for use with products defined hereunder which were originally manufactured and sold by him.

When carried on at the point of installation, the work of installing, erecting, rebuilding, and/or servicing of the products of any Subdivision hereinbefore defined, (including attachments, accessories and/or replacement and repair parts therefor included within the definition of such Subdivision) shall be subject to the provisions of this Code only when performed by the employer hereunder selling such products or by a company affiliated therewith.

Person means a natural person, a corporation, a partnership, an association, a trust, a trustee, a trustee in bankruptcy, a receiver, or other entity.

Employer means any person engaged in the Industry either on his own behalf or as an employer of labor.

Employee means anyone who is employed in the Industry by any such employer.

Apprentice means an employee who is regularly engaged in learning a trade under a course of training designed to advance him systematically in the various operations of such trade to become a competently skilled mechanic.

The act means Title I of the National Industrial Recovery Act.

The President means the President of the United States.

Administrator means the Administrator for Industrial Recovery.

Basic Code Authority means the Code Authority for the Machinery and Allied Products Industry as provided for in Article VI hereof.

Code Authority means the Code Authority of each of the various Subdivisions of the Industry as defined hereinabove in this Article II.

Group Code Authority means the Code Authority of any group or product classification within any Subdivision, constituted under any Supplemental Code.

ARTICLE III—WORKING HOURS

SECTION 1. *Maximum Hours.*—No employee shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hour period or more than six (6) days in any seven (7) day period, except as otherwise expressly provided in this Article III.

SECTION 2. *Exceptions as to Hours.*—(a) The provisions of this Article III shall not apply to executives, those employed in a supervisory or administrative capacity or their immediate assistants, and salaried technical men and field service engineers, being paid at the rate of Thirty-five Dollars (\$35.00) or more per week, and traveling salesmen.

(b) *Watchmen.*—Watchmen shall be permitted to work not in excess of fifty-six (56) hours per week.

(c) *Power Plant Engineers and Firemen.*—Power Plant engineers and firemen shall be permitted to work not in excess of forty-five (45) hours in any seven (7) day period, recognizing the principle of one day's rest in seven.

SECTION 3. *Overtime Provisions.*—(a) *Emergency Overtime.*—The maximum hours fixed in Section 1 hereof shall not apply to any employee on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, or to any specially skilled employee in emergencies occasioned by the necessity for the services of such employee which cannot be cared for by the employment of additional men. In any such case at least one and one-half times the regular rate shall be paid to employees for time worked in excess of the maximum provided in Section 1 hereof.

(b) *Ordinary Overtime.*—The maximum hours fixed in Section 1 hereof shall not apply for (6) weeks in any twenty-six (26) weeks period during which overtime shall not exceed eight (8) hours in any one week. In any such case at least one and one-half ($1\frac{1}{2}$) times the regular rate shall be paid to each employee for time worked in excess of eight (8) hours in any twenty-four (24) hour period or in excess of forty (40) hours in any seven (7) day period.

(c) *Sunday and Legal Holiday Work.*—At least one and one-half ($1\frac{1}{2}$) times the regular rate shall be paid for all work performed on Sundays or legal holidays, except by watchmen, power plant engineers and firemen.

(d) *Reporting Overtime.*—All overtime allowances shall be reported to the Basic Code Authority and made available to the Administrator in such detail as may be required by Basic Code Authority.

SECTION 4. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed for another employer or employers, exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. (a) Except as hereinafter provided, no employee engaged in plant operations shall be paid less than at the following hourly rates, viz:

Where employed in cities of more than 50,000 population and immediate vicinity, forty cents (40¢) per hour.

Where employed in cities of more than 10,000 but not more than 50,000 population and immediate vicinity, which cities are not in the immediate vicinity of a city of more than 50,000 population, thirty-eight (38¢) per hour.

Where employed in cities of 10,000 population or less and immediate vicinity, which cities are not in the immediate vicinity of a city of more than 10,000 population, thirty-six cents (36¢) per hour.

Population figures shall be taken as reported by the Government census of 1930.

(b) Female employees engaged at any plant in substantially the same work as male employees at such plant shall receive the same rate of pay as such male employees, and where they displace such male employees they shall receive the same rate of pay as the male employees they replace.

Female employees engaged in plant operations shall be paid at a rate not less than eighty-seven and one-half (87½) per cent of the proper rate for the locality in which employed, as hereinabove specified in this Section.

(c) The minimum rate of pay per hour for all employees engaged in plant operations in all locations in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas and Oklahoma shall be not less than thirty-two cents (32¢) per hour.

SECTION 2. (a) The minimum wage that shall be paid by an employer to any employee other than those engaged in plant operations shall be not less than at the rate of \$15.00 per week, except as herein provided.

(b) Office boys and girls may be paid not less than at the rate of eighty (80) per cent of such minimum wage, but the total number of such office boys and girls employed by any one employer at such reduced rate (in no event less than two) shall not exceed five (5) percent of the total number of office employees of such employer covered by the provisions of this Section 2.

SECTION 3. Apprentices shall be paid a starting rate of not less than thirty (30) per cent of the rate paid to a competently skilled mechanic in the trade in which the apprentice is being trained and prevailing in the shop where the apprentice is employed, provided, however, that the starting rate paid to any apprentice shall not be less than twenty-four cents (24¢) per hour.

Wages paid to apprentices shall be advanced at intervals in measured amounts so that the rate for the last period of apprenticeship shall not be less than eighty (80) per cent of the rate paid to a competently skilled mechanic in the particular trade in the shop where the apprentice is employed.

If an apprentice is paid during hours in which he is solely obtaining school training, or if an apprentice is paid a bonus at the end of his apprenticeship, such payments may be credited in computing his compensation.

At no time shall a new apprentice be admitted to apprenticeship by any employer when such action will bring the total number of

such apprentices so employed to a ratio of more than one apprentice to five competently skilled mechanics in the trade employed by such employer in the particular trade in question.

All apprentice indentures or written contracts shall be submitted to the Basic Code Authority for approval and shall be made available to the Administrator.

SECTION 4. This Article IV establishes a minimum rate of pay regardless of whether an employee is compensated on a time rate, piece work or other basis.

SECTION 5. A person, vocationally handicapped, whose earning capacity is limited because of age or physical or mental handicap may be employed on suitable work at a wage rate below the minimum established by this Article IV if the employer or the employee 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. If such person is employed by any employer at the time request for a certificate is made such employee may continue to be employed by the same employer under the conditions stipulated in the application for such certificate during the period of procurement of such certificate or rejection of such application.

SECTION 6. With a view that there shall be equitable adjustment of rates above the minimum, not later than thirty (30) days after the effective date, each employer in the Industry shall report to the Administrator through the Basic Code Authority, the action taken by such employer since June 16, 1933, in adjusting or not adjusting the wage rates of all hourly employees covered by Section 1 and of the employees covered by Section 2 hereof receiving more than the minimum rate as therein provided but less than Thirty-Five Dollars (\$35.00) per week of regular work period.

In no case shall rates of pay, computed on an hourly basis, be lowered in making the above adjustments.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. As required by Section 7 (a) of Title 1 of the Act, it is hereby provided:

“(1) 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; (2) 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 (3) 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.”

SECTION 2. No person under sixteen (16) years of age shall be employed in the Industry, nor any one under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental

to health, as may be defined by United States Department of Labor, or State law.

SECTION 3. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

SECTION 4. Employers shall not reclassify employees or the work of employees so as to defeat the purposes of the Act.

SECTION 5. Each employer shall post in conspicuous places full copies of this Code.

ARTICLE VI—ADMINISTRATION ¹

(a) A Basic Code Authority is hereby constituted to administer, supervise and facilitate the enforcement of this Code.

Basic Code Authority shall effect its own organization. It shall elect its officers (who need not be members of Basic Code Authority or employers in the Industry) by a vote of its members, and may employ such personnel as it deems necessary. It may appoint such committees (consisting of members and/or non-members) as it deems desirable, and may delegate to such committees such authority as it deems necessary. It shall have no authority or activity not related to the provisions of this Code or of any approved Supplemental Code.

(b) During the period not to exceed sixty (60) days following the effective date of this Code, the Executive Committee of the Applicant shall constitute a temporary Basic Code Authority. This Committee shall consist of not less than nine (9) nor more than fifteen (15) members and the Administrator may, in his discretion, appoint not more than three (3) additional members (without vote and without expense to the Industry).

(c) Within said sixty (60) days' period the temporary Basic Code Authority shall call a meeting, to which all known employers in the Industry shall be invited, at which meeting the following action shall be taken:

(1) Adoption of procedural rules and regulations for the election, organization, and operation of the permanent Basic Code Authority.

(2) Election of permanent Basic Code Authority.

The permanent Basic Code Authority shall consist of not less than twelve (12) nor more than fifteen (15) representatives of employers in the Industry entitled to participate as provided in Section (c) of this Article VI, twelve (12) of whom shall be elected at large and not more than three (3) additional may be elected by a vote of the employers of the Subdivisions not having a representative of an employer elected to Basic Code Authority by the vote at large. The Administrator, in his discretion, may appoint not more than three (3) additional members (without vote and without expense to the Industry).

Each elected member of Basic Code Authority shall be an employer or an executive officer or a partner in an employer entitled to

¹ See paragraph 2 of order approving this Code.

participate in the activities of the Industry, no two of whom shall be representatives of the same employer.

(d) Action by employers in any Industry meeting for the election of Basic Code Authority shall be by vote of the employers entitled to vote as hereinafter provided in this Section who are present in person or by proxy duly executed and filed with Basic Code Authority, each such employer to have one vote only. Action by employers in any Industry meeting for all other purposes including the adoption of procedural rules, action on Code revisions, additions or supplements, or the transaction of any other business of the Industry under this Code, shall be by vote of the employers entitled to vote as hereinafter provided in this Section who are present in person or by proxy duly executed and filed with Basic Code Authority, cast concurrently in each of the two following methods:

(1) By one vote of each employer.

(2) By vote of employers weighted on the basis of one vote for each \$100,000 of the annual average of sales billed f.o.b. plant by each employer for the preceding two (2) calendar years, as reported to Basic Code Authority, to be computed at the beginning of each calendar year and to apply throughout the then current year. Each employer shall be entitled to at least one such vote.

Except as otherwise provided in this Code, any action taken at any meeting of employers shall be by a majority vote, cast and computed in each of the two methods hereinabove provided.

Each employer shall pay to Basic Code Authority his pro rata share of the costs of preparing, submitting, and administering the Code, computed on the basis of the proportionate weighted vote provided for in Subsection (2) of this Section. Upon paying his pro rata share of such costs, each employer shall be entitled to vote on and share in all the benefits of Basic Code Authority.

(e) With a view to keeping the President informed as to whether the Industry is taking appropriate steps to effectuate the declared policy of the Act, each employer shall prepare and file with such person or organization as Basic Code Authority may designate and at such times and in such manner as may be prescribed by Basic Code Authority (to be held and used subject to the limitations of this Article VI) statistics of plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled orders, stocks on hand, inventories, both raw and finished, number of employees, wage rates, employees earnings and hours of work, and such other related data or information as Basic Code Authority may from time to time require.

In addition to information required to be submitted to Basic Code Authority, there shall be furnished to Government agencies such statistical information as the President may deem necessary for the purposes recited in Section 3 (a) of the Act. The records required for such purposes shall be created and maintained in such a way as to disclose accurately the information required from time to time by Government agencies under the provisions of this Section (e).

(f) Except as otherwise provided in the Act, all individual statistics, data and information of individual employers, filed with Basic Code Authority or a Code Authority or a Group Code Authority in accordance with the provisions of this Code or a Supplemental Code

shall be kept confidential; provided, however, that nothing herein shall prevent the publication of general summaries of such statistical data and information.

The statistics, data and information relating to any one employer shall not be revealed to any other employer, or to anyone, except for the purpose of administering or facilitating the enforcement of the provisions of this Code. Basic Code Authority by its duly authorized representatives (who shall not be an employer or in the employ of any employer affected by this Code) shall, to the extent permitted by the Act, have access to any and all statistics, data and information that may be furnished in accordance with the provisions of this Code.

(g) A Code Authority is hereby constituted for each Subdivision to administer, supervise and facilitate the enforcement of this Basic Code in the manner and to the extent hereinafter provided in this Article, and of such Supplemental Code as may be submitted hereafter by a Subdivision and approved by the Administrator.

During the period not to exceed sixty (60) days following the effective date of this Code, the governing body of the trade association (member of the Applicant) representing the employers within the Subdivision, shall constitute a temporary Code Authority. The Administrator, in his discretion, may appoint one additional member (without vote and without expense to the industry).

Within said sixty (60) day period each such temporary Code Authority shall call a meeting, to which all known members in the particular Subdivision concerned shall be invited, at which meeting the following action shall be taken:

(1) Adoption of procedural rules and regulations for the election, organization and operation of permanent Code Authority.

(2) Election of permanent Code Authority.

Each permanent Code Authority shall consist of not less than three (3) nor more than nine (9) representatives of employers in the Subdivision. The Administrator in his discretion may appoint one additional member (without vote and without expense to the Subdivision).

Each such Code Authority may adopt such rules for the conduct of the Code activities of the Subdivision as are not inconsistent with the provisions of this Code.

Action by employers in any Subdivision meeting for the election of Code Authority shall be by vote of the employers entitled to vote as provided in Section (d) hereof, each such employer to have one vote only. Action by employers in any Subdivision meeting for the adoption of procedural rules, submission of a Supplemental Code or revisions or additions thereto, or the transaction of other business of the Subdivision under this Code, shall be by vote of the employers in such Subdivision who are entitled to vote thereat as provided in Section (d) hereof and are present in person or by proxy duly executed and filed with Code Authority of such Subdivision, cast and computed in the manner provided in Section (d) hereof for voting in the Industry, except that employers in any Subdivision may prescribe such other method of voting as they may determine upon with the approval of the Administrator.

The foregoing provisions of this Section (g) shall apply to any Subdivision only in the event and so long as there shall be no Supplemental Code for such Subdivision approved by the Administrator or in the event that such approved Supplemental Code shall fail to contain provisions for the creation and operation of a permanent Code Authority.

(h) Each Code Authority shall through its duly authorized representatives (who shall not be an employer or in the employ of any employer in such Subdivision) receive copies of, or have access to, as it may elect, all statistics, data and information pertaining to such Subdivision; provided, however, that provisions of this Article VI shall control, to the extent permitted by the Act, the making of all examinations and audits and the use to be made of all information, however obtained, with respect to any employer.

Except as otherwise provided in this Code, the Code Authority of each Subdivision shall hear and attempt to adjust all matters submitted to it or to Basic Code Authority pertaining to the provisions of this Code and the Supplemental Code for such Subdivision, if any, except those pertaining to relations between employer and employees, with respect to which relations neither Basic Code Authority nor any Code Authority shall have jurisdiction. For the purpose of hearing and attempting to adjust such matters submitted to it as are within its jurisdiction as defined above, such Code Authority may, to the extent permitted by the Act, investigate and ascertain the facts through such examination or audit as it may deem necessary.

If it shall be represented to Basic Code Authority by any employer in any Subdivision or any other person that the Code Authority of such Subdivision has failed to act on any matter properly presented to it within a reasonable time after such presentation, Basic Code Authority may require that such matter be submitted to it and shall thereafter proceed with the determination of such matter in the same manner and with the same power and duties as if such matter were being determined by the Code Authority.

All decisions of a Code Authority shall be final unless appeal is taken to Basic Code Authority, or any such decision involves matters required to be reported to the Administrator or to the President, in which case all pertinent information, papers and data in the possession of such Code Authority shall be turned over by it to Basic Code Authority and Basic Code Authority shall pass upon the merits of the case, and make final decision, or report thereon to the Administrator or to the President, as the case may be.

(i) If any employer in the Industry is also an employer in any other industry, the provisions of this Code and the jurisdiction of Basic Code Authority, of any Code Authority or of any Group Code Authority hereunder shall apply to and affect only that part of his business and product which is included in the Industry, Subdivision or Group, respectively. If any employer in the Industry is an employer in two or more Subdivisions, the jurisdiction of the Code Authority of each such Subdivision and the provisions of any Supplemental Code applicable thereto shall apply to and affect only that part of the business and product of such employer which is within such Subdivision.

(j) Nothing contained in this Code shall constitute employers in the Industry, or members of Basic Code Authority or of a Code Authority or of a Group Code Authority as partners for any purpose. Nor shall any member of Basic Code Authority or a Code Authority or a Group Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable in any manner to anyone for any action of any other member, officer or employee of Basic Code Authority or a Code Authority or a Group Code Authority, or be liable to anyone for any action, or omission to act, under the Code, or a Supplemental Code except for his own willful misfeasance or nonfeasance.

The Basic Code Authority or any Code Authority or any Group Code Authority shall be deemed to have discharged its full duty in respect to any violation or alleged violation of the Code or a Supplemental Code when it shall have exercised such powers as are conferred upon it, and in the event of its inability to procure compliance with the provisions of the Code, or Supplemental Code, shall have certified the facts and made available all pertinent information with respect to such violation or alleged violation to the Administrator or other appropriate Governmental authority and thereafter stood prepared to render all proper assistance to the Administrator or other appropriate Governmental authority to enable them to procure enforcement thereof.

(k) Insofar as is permitted by the Act an agency or agencies for the adjustment of differences arising in the relations of employers and employees concerning employment may be established hereafter together with rules and procedures governing the activities of such agency or agencies, by Basic Code Authority with the approval of the Administrator. In the absence of such agency or in aid thereof, such agency or agencies as may be established under the Act may proceed according to law in the adjustment of any such differences.

(l) Basic Code Authority may submit to the Administrator for review any action taken by it under any provisions of this Code, and shall do so on request of any Code Authority affected by such action, and any persons affected may protest to the Administrator any action of Basic Code Authority or Code Authority, or any rule or regulation by it established.

(m) If the Administrator shall have reason to believe that any action of Basic Code Authority or of any Code Authority or Group Code Authority, or of any agency of any of them, may be violative of the provisions of this Code or of an applicable Supplemental Code or unfair, unjust or contrary to public policy, the Administrator, after having notified and conferred with Basic Code Authority or the Code Authority of such Supplemental Code, or the authorized representatives thereof, or after ten (10) days have elapsed from date of such notification without response from such Code Authority, may require, by notice, that such action be suspended for some definite period not exceeding thirty (30) days.

Within fifteen (15) days from the date of such suspension, Basic Code Authority or the Code Authority of the applicable Supplemental Code shall further consider such action and determine (a) whether or not it will continue with such action, as not violative of

the Code or of the applicable Supplemental Code, or (b) whether it will proceed with some modified action, and notify the Administrator of such determination.

If such determination is approved by the Administrator, or is not by him disapproved within fifteen (15) days thereafter, such determination shall become effective and such suspension be automatically terminated. If the Administrator shall disapprove such determination within said fifteen (15) days, such action shall be permanently suspended.

ARTICLE VII—ADDITIONAL SUBDIVISIONS

(a) Upon request of any trade association, organization, or group of employers representative of machinery or allied products not specifically defined in Article II hereof, Basic Code Authority may make application to the Administrator for amendment of this Code with respect to the definition of the Industry by addition thereto of a specific definition covering such products and, upon approval by the Administrator of said amendment the employers concerned therewith shall become members of the Industry, and shall be organized by Basic Code Authority into a Subdivision, with a Code Authority to be created as provided in Article VI hereof. Concurrently with application for amendment to definition, such group of employers concerned therewith shall make application to the Administrator for a Supplemental Code as provided in Article I hereof (applicable solely to such Subdivision and dealing with subjects not provided for by this Code). Upon approval by the Administrator such Supplemental Code shall be binding on such Subdivision and upon each employer therein.

(b) Upon application to the Administrator as hereinafter provided, made within six months after the effective date hereof, the definition of the Industry in this Code shall be amended with the approval of the Administrator, by adding thereto the specific definitions of the products covered by any of the following codes heretofore approved by the President, viz:

Heat Exchange Industry

Compressed Air Industry

Pump Manufacturing Industry

Machine Tool and Forging Machinery Industry

Each such application shall be made jointly by the Code Authority concerned and by Basic Code Authority and shall request (a) the inclusion of the employers concerned in such Code as a Subdivision of this Industry under this Code, and (b) A Supplemental Code hereunder for such Subdivision. Upon approval by Administrator of said amendment and of such proposed Supplemental Code, said employers shall become employers within such Subdivision of this Industry, and this Code and such Supplemental Code shall become binding upon such Subdivision and upon each employer therein and shall supersede the said Code theretofore applicable to such employers.

ARTICLE VIII—MODIFICATIONS AND TERMINATION

(a) As provided by Section 10 (b) of the Act, the President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under Title I of the Act.

(b) Any amendments, additions, or revisions of this Code proposed by Basic Code Authority and adopted by the concurring affirmative vote of employers entitled to cast two-thirds or more of all the votes that might be cast by all employers entitled to vote thereon, shall be in full force and effect upon approval by the Administrator. The eligibility of voters and the method and effect of such voting shall be in accordance with the provisions of Section (d) of Article VI hereof.

(c) This Code shall terminate June 16, 1935, or on such date prior thereto when the Act shall be repealed or the President shall, by proclamation, or the Congress shall, by joint resolution, direct that the emergency recognized by section 1 of the Act has ended.

ARTICLE IX—WITHDRAWAL

Upon thirty (30) days' notice to Basic Code Authority and to the Administrator any Subdivision may, upon the concurring affirmative vote of employers within the Subdivision entitled to cast two-thirds or more of all the votes that might be cast by all employers within the Subdivision entitled to vote thereon, withdraw from the jurisdiction of Basic Code Authority. The eligibility of voters and the method and effect of such voting shall be in accordance with the provisions of Section (g) of Article VI hereof or with the provisions of the Supplemental Code, if any, for the Subdivision concerned. Thereafter the Supplemental Code for such Subdivision, if any, together with the provisions of this Code except such portions of Articles I, II, VI, and VII as are not pertinent thereto, as determined by the Code Authority and the Administrator, shall become the code governing such former Subdivision and its Code Authority shall become and be the sole Code Authority and shall perform all the functions thereof with respect to such code.

ARTICLE X—MONOPOLIES

Applicant imposes and shall impose no inequitable restrictions on membership therein. The Code presented by it is not designated to promote monopoly, and shall not be construed or applied so as to oppress or eliminate small enterprises or discriminate against them, and is designed to effectuate the policy of the Act.

ARTICLE XI—EFFECTIVE DATE

This Code shall become effective and binding on all persons engaged in the Industry on the eleventh day after its approval by the President.

Approved Code No. 347.

Registry No. 1399-65.



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