

NATIONAL RECOVERY ADMINISTRATION

**SUPPLEMENTARY
CODE OF FAIR COMPETITION**

FOR THE

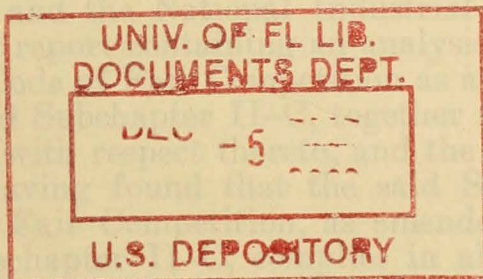
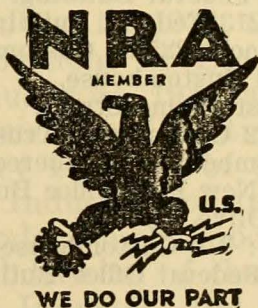
**HIGHWAY CONTRACTORS
INDUSTRY**

(A Subdivision of the General Contractors Division of the
Construction Industry)

AS APPROVED ON MARCH 16, 1935

BY


PRESIDENT ROOSEVELT



UNITED STATES

GOVERNMENT PRINTING OFFICE

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Approved Code No. 244A—Subdivision No. 1

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

HIGHWAY CONTRACTORS INDUSTRY

As Approved on March 16, 1935

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE HIGHWAY CONTRACTORS INDUSTRY

A SUBDIVISION OF THE GENERAL CONTRACTORS 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, approved January 31, 1934, and pursuant to and in full compliance with the provisions of Section 2 of Article I of Chapter II, approved February 17, 1934, of the Code of Fair Competition for the Construction Industry, for approval of Subchapter II-C of Chapter II of said Code, which Subchapter is applicable to the Highway Contractors Subdivision of the General Contractors Division of the Construction Industry, and hearings having been held thereon, and the National Industrial Recovery Board having rendered its report containing an analysis of said Subchapter II-C and of said Code of Fair Competition as amended by the addition thereto of said Subchapter II-C, together with its recommendations and findings with respect thereto, and the National Industrial Recovery Board having found that the said Subchapter II-C and the said Code of Fair Competition, as amended by the addition thereto of said Subchapter II-C, 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 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 National Industrial Recovery Board and do order that the said Subchapter II-C be and it is hereby approved, and that the previous approval of said Code of Fair Competition for the Construction Industry is hereby amended to include an approval of said Code in its entirety as supplemented by said Subchapter II-C:

PROVIDED, HOWEVER, that the operation of Section 6, *Mutual Agreements*, of Article III, may be reviewed by the National Industrial Recovery Board within sixty (60) days after the effective date of this Subchapter II-C and if upon a finding that the said Section 6 unfairly interferes in any respect, with the process or freedom of collective bargaining, said Section 6 be immediately stayed pending my further order.

FRANKLIN D. ROOSEVELT.

Approval recommended:

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN,
Administrative Officer.

THE WHITE HOUSE,
March 16, 1935.

REPORT TO THE PRESIDENT

THE PRESIDENT,
The White House.

SIR: This is a report on the Highway Contractors Subdivision of the General Contractors Division, described as Chapter II and approved by you on February 17, 1934, of the Code of Fair Competition for the Construction Industry. This Subdivision described as Chapter II-C as submitted by the Associated General Contractors of America, Inc., has been revised subsequent to Public Hearing conducted in Washington on May 21, 1934, in accordance with the provisions of the National Industrial Recovery Act.

THE INDUSTRY

The Industry, as defined in the proposed Subchapter II-C, includes the work of a general contractor who by formal contract or otherwise directs and/or superintends and/or coordinates and/or executes substantially in its entirety the work of highway contracting costing \$1,000 or more and excluding only buildings and heavy construction and railroad construction.

PROVISIONS FOR HOURS AND WAGES

The limitations as to hours of employment provided in Subdivision B of Section 2 of Article III of Chapter I, apply to members of this Subdivision with the following exceptions:

(a) Watchmen, who shall not be permitted to work in excess of fifty-six (56) hours in any one (1) week, except there shall be no limitation upon the hours of watchmen when housed on the work, provided, however, that no watchmen shall be permitted to work more than six (6) days in any one (1) week.

(b) Job and/or field clerks and camp service employees, who shall not be limited as to hours but shall not be permitted to work in excess of six (6) days per week.

(c) Employees engaged in supervisory work receiving less than thirty-five dollars (\$35.00) per week, who shall not be permitted to work in excess of the maximum hours prescribed for the employee supervised, plus a tolerance of fifteen (15) percent.

The wage provisions of the approved Basic Code for the Construction Industry apply to members of this Subdivision. Additional provisions governing methods of payment of wages, deductions, and regulations for members performing manual work, reclassification of employees, safety and health measures and provision for submission of mutual agreements for arriving at wages above the minimum are contained in this Subchapter.

ECONOMIC EFFECT OF THE CODE

Since this Subchapter is merely an extension and amplification of the general provisions contained in the Divisional Code of Fair Competition for the General Contractors Division of the Construction Industry under which the Highway Contractors are already codified, the approval of this Subchapter will have no other effect than the benefits which will accrue to this Subdivision of the Industry through closer cooperation of its members and more detailed regulations than are provided in the General Contractors Divisional Code.

The total volume of business done by the Industry as defined in this Subchapter averaged in 1929, \$562,000,000 and declined to \$456,327,000 in 1933.

The approximate number of employees in the Industry including those employed on part time, seasonal and other bases of employment in 1929 averaged 509,595 and in 1933 had declined to approximately 472,974.

There are approximately 115 classifications of labor employed on highway construction included in this Subdivision. In general the workmen can be subdivided into three classifications, unskilled, semi-skilled, and skilled. However, no data are as yet available as to the number of proportions in each classification. A further factor that makes determination of total actual employment difficult in this Subdivision of the Industry is the effect of weather on actual working time. Wage scales vary from area to area for each classification of work, consequently it is difficult to give a comprehensive general picture without a detailed study being made. This Subdivisional Code, however, was drafted for administrative purposes. It is hoped that by setting up the administrative channels through which the Code can be enforced, the increased compliance will greatly benefit members of the Industry.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said Subchapter of the General Contractors Chapter of the Construction Industry having found as herein set forth and on the basis of all the proceedings in this matter;

The Board finds that:

(a) Said Highway Contractors Subchapter of the General Contractors Chapter of the Code of Fair Competition for the Construction Industry is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction 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 Highway Contractors Subchapter of the General Contractors Chapter of the Code of Fair Competition for the Construction Industry 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) Said Highway Contractors Subchapter of the General Contractors Chapter of the Code of Fair Competition for the Construction Industry is not designed to and will not permit monopolies or monopolistic practices.

(d) Said Highway Contractors Subchapter of the General Contractors Chapter of the Code of Fair Competition for the Construction Industry 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 Highway Contractors Subchapter of the General Contractors Division of the Code of Fair Competition for the Construction Industry.

For these reasons, therefore, the National Industrial Recovery Board recommends approval of said Highway Contractors Subchapter of the General Contractors Chapter of the Code of Fair Competition for the Construction Industry; with the proviso contained in the Executive Order for further review and possible stay of Section 6 of Article III, which pertains to Mutual Agreements.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

MARCH 13, 1935.

CHAPTER II-C

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE HIGHWAY CONTRACTORS INDUSTRY

A SUBDIVISION OF THE GENERAL CONTRACTORS DIVISION OF THE CONSTRUCTION INDUSTRY

ARTICLE I—APPLICATION

The provisions of this Chapter shall apply to the Highway Contractors Subdivision of the General Contractors Division of the Construction Industry (as defined herein) excluding operations therein undertaken before the effective date hereof.

ARTICLE II—DEFINITIONS

SECTION 1. *The Highway Contractor.*—The term “Highway Contractor” or “member of this Subdivision” as used herein means a general contractor as defined in Section I, Article I, Chapter II of the Code of Fair Competition for the Construction Industry, and includes without limitation any individual, partnership, association, trust, trustee, trustee in bankruptcy, receiver, corporation or agency which undertakes, whether by formal contract or otherwise, to direct, superintend, coordinate or execute, directly or through others, the work of constructing substantially in its entirety, any fixed structure and other improvements, or modification thereof or an addition or repair thereto, including any structure or operation which is an incidental part thereof, including without limitation, except as specified hereafter, operations and services, such as transportation with equipment owned and operated by the highway contractor on his own contract, roads, streets, alleys, side walks, guard rails and fences, parkways, parking areas, airports, bridle paths, athletic fields, highway bridges, grade separations involving highways, light construction, sewage and waterworks improvements, excluding any such operation aggregating in its entirety less than the sum of \$1,000.00, and excluding only buildings as defined in Chapter II-A, and heavy construction and railroad construction, as defined in Chapter II-B.

SECTION 2. *Highway Contracting.*—The term “Highway Contracting” as used herein means without limitation operations performed by a Highway Contractor as defined in the foregoing Section.

SECTION 3. *Visiting Contractor.*—A “Visiting Contractor” means a contractor bidding on and/or performing work within this Subdivision in a locality other than that in which he customarily maintains an office.

SECTION 4. *Divisional Code Authority.*—The term “Divisional Code Authority” for the purposes of this Chapter shall mean the

Code Authority established under Section I of Subdivision A of Article II of Chapter II for the General Contractors Division of the Construction Industry.

SECTION 5. *Classification*.—Any operations within the definition of Article II of Chapter I of this Code, which are not provided for in any approved Divisional or Subdivisional Chapter of this Code (including Chapters and Sub-chapters subsequently approved when effective) shall, when performed by a member of this Division with his own forces be included in and be a part of the activities of this Subdivision. Nothing herein shall be construed as limiting the provisions of Chapter I, Article IV A, Section 2 (f) as amended. This is without prejudice as to any rights of members of this Subdivision in connection with any Chapter or Sub-chapter of this Code now or hereafter approved.

SECTION 6. *Association*.—The term "Association" as used herein shall mean the Associated General Contractors of America.

SECTION 7. *Subcontractor*.—(a) The term "Subcontractor" as used herein shall mean anyone other than an employee who enters into a contract for the performance of any work of this subdivision with a Highway Contractor who has already contracted or otherwise arranged for its performance.

(b) A Subcontractor undertaking to perform any of the functions or any part of the functions of a Highway Contractor as herein defined shall be construed as a Highway Contractor and be subject to all of the provisions of this Code. However, nothing herein shall be construed as exempting such Subcontractor from complying with the more stringent requirements of another Chapter or Subchapter of this Code to which he may be subject.

SECTION 8. *State Committee*.—The term "State Committee" shall mean a committee functioning in a State or a territory of the United States or the District of Columbia for the purpose of administering the Code applicable to the Subdivision within the State, territory, or District of Columbia.

SECTION 9. *State*.—The term "State" as used herein shall mean a State or a territory of the United States or the District of Columbia.

SECTION 10. *This Code*.—The term "this Code" for the purpose of this Subchapter means and includes Chapter I, Chapter II, and Chapter II-C of the Code of Fair Competition for the Construction Industry. Chapter I and Chapter II shall apply except as herein specifically provided. In their application herein the provisions of Chapter II shall prevail over conflicting provisions of Chapter I, and the provisions of Chapter II-C shall prevail over conflicting provisions of Chapter I and Chapter II.

ARTICLE III—HOURS, WAGES AND CONDITIONS OF EMPLOYMENT

SECTION 1. *Hours*.—The limitations as to hours of employment provided in Subdivision B of Section 2 of Article III of Chapter I of this Code shall not apply to the following:

(a) Watchmen, who shall not be permitted to work in excess of fifty-six (56) hours in any one (1) week, except there shall be no limitation upon the hours of watchmen when housed on the work, provided, however, that no watchmen shall be permitted to work more than six (6) days in any one (1) week.

(b) Job and/or field clerks and camp service employees, who shall not be limited as to hours, but shall not be permitted to work in excess of six (6) days per week.

(c) Employees engaged in supervisory work receiving less than thirty-five (\$35.00) dollars per week, who shall not be permitted to work in excess of the maximum hours prescribed for the employee supervised, plus a tolerance of fifteen (15) percent.

(d) This Section does not restrict the exemptions as to hours of employment conferred in Subsections 3 (a), 3 (b) and 3 (c) of Subdivision B of Section T of Article III of Chapter I of this Code except that Subsection 3 (a) herein described shall not apply to supervisory employees earning less than thirty-five dollars (\$35.00) per week.

SECTION 2. *Wages.*—The minimum wages to be paid to employees working the hours permitted by paragraphs (a), (b) and (c) of Section 1 hereof, for the hours worked, shall be not less than the hourly rate prescribed in the first paragraph of Subdivision A of Section 2 of Article III of Chapter I of this Code.

SECTION 3. *Payment of Wages.*—All members of this Subdivision shall make payment of all wages due in lawful currency or by negotiable check therefor, payable on demand at par. If wages are paid by check, the employer shall provide reasonable accessible facilities for cashing checks at face value without expense to the employee. Employers shall also provide such identification as is necessary to utilize such facilities.

SECTION 4. *Time of Payment and Deductions.*—Except as otherwise provided by Section 2 hereof, wages shall be due and payable at least semi-monthly. Wages shall be exempt from any payment for pensions, insurance or sick benefits, except such as is voluntarily paid or required by law. Employers or their agents shall not accept, directly or indirectly, rebates on such wages or give anything of value or extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees.

SECTION 5. *General.*—(a) *Members Performing Manual Work.*—To the extent permitted by the Act members of this Subdivision when personally performing manual work or engaged in mechanical operations shall not when so performing or engaged exceed the maxima as to hours and days herein provided for employees doing the same work.

(b) *Evasion.*—No employee now employed at a wage rate in excess of the minimum shall be reclassified or discharged and reemployed at a lower wage rate for the purpose of evading the provisions of this Code.

(c) *Dismissal for Complaints.*—No employee shall be dismissed or demoted by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

(d) *Handicapped Persons.*—A person whose earning capacity is limited because of age or physical or mental handicap or other infirmity may be employed on light work at a wage below the minimum established by this Code, if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file

ERRATA SHEET
CODE OF FAIR COMPETITION
FOR THE
HIGHWAY CONTRACTORS INDUSTRY

As Approved on March 16, 1935

On page eight of the Code as printed, in Subsection (d) of Section 1 of Article III, the third line reads as follows: "division B of Section T of Article III of Chapter I of this Code". The reference should be to Section 2 instead of Section T.

(1)

monthly with the Administrative Committee a list of all such persons employed by him within this Subdivision showing the wages paid to and the maximum hours of work for each such employee.

(e) *Safety and Health*.—Each member of this Subdivision shall provide for the safety and health of his employees at the place and during the hours of their employment.

Standards for safety and health, including minimum standards for sanitation, construction, size, operation and food for labor camps, shall be developed by a Committee composed of three members of this Subdivision to be appointed by the Administrative Committee and financed by funds available to it and submitted to the National Industrial Recovery Board by the Administrative Committee for approval within three (3) months after the effective date of this Subchapter. After approval, such standards shall become the minimum standards of safety and health for all members of this Subdivision and shall thereafter be a part of this Code and enforceable as such.

Where State laws provide more stringent restrictions, such laws shall be observed.

(f) *Posting*.—On and after the effective date of this Code, all employers shall post and keep posted, in conspicuous places accessible to all employees, official copies of all provisions of this Code which affect hours of employment, rates of pay and all other labor provisions.

SECTION 6. *Mutual Agreements*.—Any group of members of this Subdivision proposing to establish an agreement with their employees with respect to hours of labor, rates of pay, or other conditions of employment governing the performance of work in this Subdivision, under and pursuant to Section 1, Article III, of Chapter I of this Code or the Act, shall send to the Divisional Code Authority at the time notice of hearing is published or sent to the employers to be subject to the agreement and, preliminary to the application for hearing or approval to the National Recovery Administration, an accurate description of the specifically defined region or locality proposed to be embraced by such agreement, the types of operations and occupations to be affected thereby, and, in addition thereto the plan for hearing and form or method of notice thereof; and at the time of any application to the National Recovery Administration for hearing thereon or approval thereof shall also send to the Divisional Code Authority a copy of the agreement or proposed agreement and application for hearing thereon or approval thereof filed or to be filed with the National Recovery Administration, together with a copy of any report containing supplementary information filed in connection therewith.

Any mutual agreement described in Section 1, Article III, Chapter I, as approved by the President, shall contain certain specific provisions as follows:

(a) The terms of this mutual agreement are limited to and binding only upon members of this Subdivision on operations and work in the specifically defined region or locality, in which the agreement applies.

(b) The terms of this mutual agreement shall not be binding upon the employers and employees of any other Subdivision of the Industry.

(c) The occupations, types of operations, or employees of this Subdivision affected by this mutual agreement shall not be deemed or construed to be the occupations, types of operations, or employees of any other Subdivision described in Chapter II, and the terms and conditions pertaining to the foregoing in this mutual agreement are to be effective only with reference to the performance within the specifically defined region or locality of the types of operations defined in this agreement.

(d) This mutual agreement shall in no way prejudice the right of other subdivisions to establish in the same area or another area mutual agreements of their own making pertaining to occupations, employees and types of operations of other subdivisions described in Chapter II.

(e) The terms of this mutual agreement shall exclude any operations undertaken in accordance with bona fide bids made prior to the effective date of this agreement, and contracts entered into prior to such effective date.¹

ARTICLE IV—ADMINISTRATION

SECTION 1. *The Administrative Committee.*—An Administrative Committee for the Highway Contractors Subdivision is hereby constituted to administer this Code within this Subdivision. Said Committee, hereinafter referred to as “The Administrative Committee”, shall consist of thirteen (13) members, all of whom shall be members of this Subdivision. Eight (8) of said members shall be members of the Association and shall be appointed annually by the Divisional Code Authority, from such nominations as may be made by the members of the Divisional Code Authority who are Highway Contractors. Each member so appointed shall serve until his successor is appointed, which appointment shall be made in like manner. The five (5) remaining members of the Administrative Committee shall be appointed annually by the Divisional Code Authority from nominations made by the members thereof who are Highway Contractors or by the eight (8) Association members of the Administrative Committee, from and to represent members of this Subdivision who are not members of the Association. Any such member shall be approved by the National Industrial Recovery Board before his appointment shall become effective. Each of said five (5) members shall serve until his successor has been selected, qualified, and appointed, as above, or has been selected by the non-members of the Association, pursuant to a method of selection satisfactory to and approved by the National Industrial Recovery Board, provided such successor has been approved by the National Industrial Recovery Board. If three (3) of said five (5) members shall become members of the Association during the period of their term of office as members of the Administrative Committee, no other of said members of the Administrative Committee may join the Association without being disqualified from the date upon which he becomes a member of the Association, from further membership in the Administrative Committee as a representative of members of this

¹ See paragraph 3 of order approving this Code.

Subdivision who are not members of the Association. Any member of the Subdivision appointed to the Administrative Committee to represent the members of this Subdivision who are not members of the Association, or selected or appointed successor to any such member of the Administrative Committee shall be subject to approval by the National Industrial Recovery Board.

SECTION 2. *Powers and Duties.*—The Administrative Committee shall have in addition to such powers and duties as are set forth in Section 2 of Subdivision B of Article II of Chapter II, and as may be delegated to it by the Divisional Code Authority, the following powers and duties:

(a) to appoint committees for States, regions or localities as it deems necessary for the administration of this Code. Organizations of Highway Contractors of a State, region or locality may petition the Administrative Committee for the establishment of a committee. The Administrative Committee may appoint such State, regional or local committees, giving consideration to recommendations received in the selection of the personnel of such committees;

(b) to establish and/or change the jurisdiction or personnel of any administrative agency established by it for this Division;

(c) to cause to be formulated methods of cost finding and accounting capable of use by all members of the Subdivision and to submit such methods to the Divisional Code Authority and the National Industrial Recovery Board for review. If approved by the National Industrial Recovery Board, full information concerning such methods shall be made available to all members of the Subdivision. Thereafter, each member of the Subdivision shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Divisional Code Authority, the Administrative or local committee, any agent thereof, or any member of the Subdivision to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices;

(d) to defray expenses in establishing and administering this Code from the equitable apportionment it receives from the Divisional Code Authority from the funds derived as authorized in Section 2 (b) Article II A of Chapter II;

(e) to prescribe rules of fair competitive bidding practices for the members of this Subdivision and such rules when approved by the Code Authorities of Chapters I and II and the National Industrial Recovery Board, shall apply to all members of this Subdivision of the Industry;

(f) to prescribe regulations requiring that members of this Subdivision of the Industry shall not submit a competitive bid as defined in Section 1 (a), Article VII, Chapter I of this Code to an owner or any other person corresponding to an awarding authority as defined in such articles unless such owner or other person agrees to comply with the regulations provided therein governing an awarding authority;

(g) to provide a satisfactory method of filing and checking the contractor's bids and the estimates of awarding authorities for any State, region or locality;

(h) to prescribe rules requiring that any member of this Subdivision, when filing bids for the performance of any of the operations covered by this Subdivision with any owner, awarding authority or person corresponding to an awarding authority under which said member does not intend to perform at least eighty percent (80%) of the value of the work bid upon with his own organization and with the assistance of workmen under his immediate supervision, shall include the name or names of the firms to whom he intends to sublet any of the work together with details as to the portion of the work to be performed by each subcontractor;

(i) to prescribe rules covering the renting or leasing of highway equipment by members of this Subdivision and rules governing the manner in which members of the Subdivision lease equipment from others and such rules when approved by the National Industrial Recovery Board, shall apply to all members of this Subdivision of the Industry;

(j) to require the registration in a manner not inconsistent with any manner prescribed by the Divisional Code Authority of all construction work applicable to this Subdivision and as defined and described in Section 2 (b), Article II-A, Chapter II in cooperation with the Construction Code Authority and the Divisional Code Authority.

(k) Regulations, methods and rules formulated in accordance with the foregoing paragraphs (f), (g) and (h) shall be filed with the National Industrial Recovery Board and shall become effective upon approval by the National Industrial Recovery Board. Failure of the National Industrial Recovery Board to disapprove any such regulation, method or rule within thirty (30) days after receipt thereof shall be deemed approval of such regulation, method or rule as of the date of the expiration of such period. Any such regulations, methods or rules shall be effective upon approval for the period specified therein or until approval is withdrawn by the National Industrial Recovery Board because of inequitable, unfair or unjust operation thereof.

SECTION 3. *State, Regional or Local Administrative Committees or Agencies in the Subdivision.*—State, regional or local committees, agencies or representatives may be vested with and may have such of the powers and duties of the Administrative Committee as it delegates to such committees, agencies or representatives for the proper discharge of its functions in the particular region; provided that nothing herein shall relieve the Administrative Committee of its duties or responsibilities under this Code.

All rules and regulations of regional, State or local committees must have the approval of the Administrative Committee and must not be inconsistent with the rules and regulations of the Divisional Code Authority.

ARTICLE V—AUTHORIZED EXEMPTIONS

Whenever any work within the definition contained in Subchapter II-C, Article II, Section 1, is exempted by competent Governmental authority or agencies (whether Federal, State, or political subdivisions thereof) acting in accordance with law, from any or all of the provisions of Chapters I and II and Subchapter II-C

and/or is being or may be performed by any non-member of the Construction Industry so exempted from, or otherwise not subject to, provisions of this Code, then the same exemptions or exceptions from the same provisions of Chapters I and II and Subchapter II-C shall apply and govern as to any and all members of this Subdivision with reference to such work. Such exemptions or exceptions shall not be construed to permit a member of the Industry to so reduce wages or lengthen hours as to result in wages lower or hours longer than those observed by such non-members of the Industry. Nothing herein shall be construed as waiving the obligation of members of this Subdivision from registering construction work, furnishing statistics, and paying authorized assessments.

ARTICLE VI—TRADE PRACTICES

SECTION 1. *Financing*.—No Highway Contractor shall permit or require Subcontractors, corporate surety companies or material vendors to finance his accounts, unless such arrangement is expressly provided for in the original contract between the parties.

SECTION 2. *Visiting Contractor*.—A Visiting Contractor shall be bound by all of the rules, regulations and agreements for other contractors of the State, region or locality in which he operates or proposes to operate.

ARTICLE VII—PROVISIONS OF CHAPTER I AND CHAPTER II

Reference to Provisions of Chapter I and Chapter II.—Provisions and definitions of Chapter I and Chapter II of this Code including any amendments thereto, or amendment thereof, except as herein specifically provided are specifically incorporated herein with the same force and effect as if set forth herein in full.

ARTICLE VIII—AMENDMENTS

SECTION 1. Subject to the provisions of Section 2 (c) of Article IV-B of Chapter I of this Code, the Subdivision provisions of this Chapter II-C, except as to provisions required by the Act, may be amended on the basis of experience or changes in circumstances, such amendments to be based upon application to the National Industrial Recovery Board and such notices and hearings as it shall specify.

SECTION 2. Any amendment proposed by members of this Subdivision or any committee or group of such members shall be submitted to the Administrative Committee of Chapter II-A, and Chapter II-B, and to the Divisional Code Authority and to the Construction Code Authority at least ten (10) days before application is made to the National Recovery Administration for a hearing upon such amendment.

ARTICLE IX—EFFECTIVE DATE

This Subchapter II-C shall become effective on the tenth (10th) day after its approval by the President.

Approved Code No. 244A—Subdivision No. 1.
Registry No. 1616-141.



any or is being or may be performed by any non-member of the Construction Industry as exempted from, or otherwise not subject to, provisions of this Code, then the same exemptions or exceptions from the same provisions of Chapters I and II and Subchapter II-C shall apply and govern as to any and all members of the Industry with reference to such work. Such exemptions or exceptions shall not be construed to permit a member of the Industry to so reduce wages or lengthen hours as to result in wages lower or hours longer than those observed by such non-members of the Industry. Nothing herein shall be construed as relieving the obligation of members of this Subchapter from registering construction work, furnishing statistics, and paying authorized assessments, dues, and contributions.

Article VI—Taxes

Section 1. Finance.—No Highway Contractor shall permit or require Subcontractors, corporate entity companies or material vendors to finance his accounts, unless such arrangement is expressly provided for in the original contract between the parties.

Section 2. Finance.—A Highway Contractor shall be bound by all of the rules, regulations and provisions for other contractors of the State, region or locality in which he operates or proposes to operate.

Article VII—Provisions of Chapter I and Chapter II

Section 1. Provisions of Chapter I and Chapter II.—Provisions and definitions of Chapter I and Chapter II of this Code, including any amendments thereto, or amendments thereto, except as herein specifically provided are specifically incorporated herein with the same force and effect as if set forth herein in full.

Article VIII—Administrative

Section 1. Subject to the provisions of Section 2(a) of Article IV of Chapter I of this Code, the Subchapter provisions of this Chapter II-C, except as to provisions required by the Act, may be amended on the basis of experience or changed circumstances, such amendments to be made upon application to the National Industrial Recovery Board and such notice and hearing as shall apply.

Section 2. Any amendment proposed by a member of this Subchapter or any committee or group of such members shall be submitted to the Administrative Committee of Chapter II-A and Chapter II-B and to the Division Code Authority and to the Construction Code Authority (10) and the application is made to the National Industrial Recovery Administration for its hearing upon such amendment.

Article IX—Effective Date

This Subchapter II-C shall become effective on the tenth (10th) day after its approval by the President of the United States. Approved Code No. 244-Subchapter No. 1, Chapter II, Section 1, 1935-1936. Repealed No. 1010-141.