

NATIONAL RECOVERY ADMINISTRATION

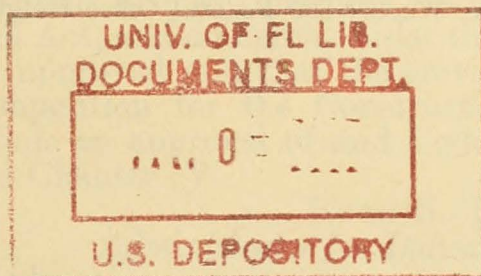
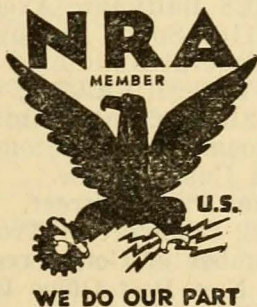
**SUPPLEMENTARY
CODE OF FAIR COMPETITION**

FOR THE

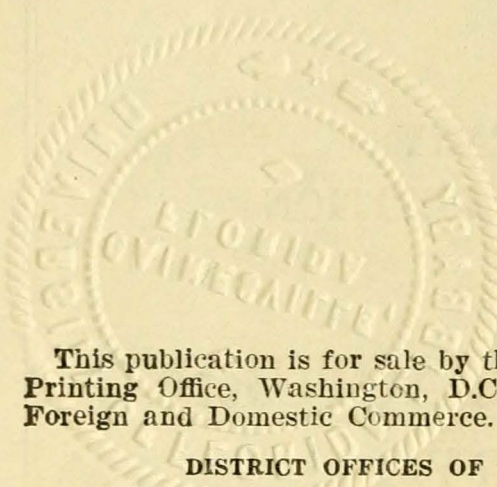
**ELEVATOR MANUFACTURING
INDUSTRY**

(A Division of the Construction Industry)

AS APPROVED ON MARCH 21, 1934



**UNITED STATES
GOVERNMENT PRINTING OFFICE
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Approved Code No. 244—Supplement No. 3

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

ELEVATOR MANUFACTURING INDUSTRY

As Approved on March 21, 1934

ORDER

**SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ELEVATOR
MANUFACTURING INDUSTRY**

A DIVISION OF THE CONSTRUCTION INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and pursuant to and in full compliance with the provisions of Section 5 of Article VIII of Chapter I of the Code of Fair Competition for the Construction Industry, approved January 31, 1934, for approval of Chapter IV of said Code, which Chapter IV is applicable to the Elevator Manufacturing Division of the Construction Industry, and hearings having been held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Chapter complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Chapter IV be and it is hereby approved and that the previous approval of said Code of Fair Competition for the Construction Industry is hereby modified to include an approval of said Code in its entirety as supplemented by said Chapter IV.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
March 21, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

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

This Chapter is a revision after a public hearing conducted in Washington on November 2, 1933, in accordance with the provisions of the National Industrial Recovery Act. This Chapter amplifies Chapter I, but applies specifically to the Elevator Manufacturing Division of the Construction Industry.

PROVISIONS FOR HOURS AND WAGES

With very minor exceptions, the hours and wages set forth in Chapter I of the Construction Code as approved by you on January 31, 1934, are applicable to this Code.

ECONOMIC EFFECT OF THE CODE

According to the statistical analysis of the Division of Research and Planning, the total production of this Division of the Construction Industry has decreased from \$103,500,000 in 1929 to \$21,200,000 in 1933. Employment has fallen from 20,000 in 1929 to 11,000 in 1933.

It is reasonable to predict that the establishment of uniform rates of pay and hours of work and the prohibition of unfair trade practices will be beneficial to this Industry as well as to the employees and the consumer.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Elevator Manufacturing Chapter of the Code of Fair Competition for the Construction Industry, having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Elevator Manufacturing Chapter and said Code of Fair Competition for the Construction Industry, as supplemented by said Elevator Manufacturing Chapter, are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible

utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) Said Elevator Manufacturing Chapter and the Code of Fair Competition for the Construction Industry, as supplemented by said Elevator Manufacturing Chapter, as approved comply in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said Association imposes no inequitable restrictions on admission to membership therein.

(d) Said Elevator Manufacturing Chapter and the Code of Fair Competition for the Construction Industry, as supplemented by said Elevator Manufacturing Chapter are not designed to and will not permit monopolies or monopolistic practices.

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

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

For these reasons, therefore, I have approved said Elevator Manufacturing Chapter of the Code of Fair Competition of the Construction Industry.

Respectfully,

HUGH S. JOHNSON,
Administrator.

MARCH 21, 1934.

CHAPTER IV

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ELEVATOR MANUFACTURING INDUSTRY

A DIVISION OF THE CONSTRUCTION INDUSTRY

ARTICLE I—DEFINITIONS

SECTION 1. The term "Elevator Manufacturing Division" or "this Division" means and includes the designing and manufacturing for sale, and the selling, and the installing, repairing, re-roping and servicing for hire of all types of passenger and freight elevators, escalators, moving stairways, dumbwaiters, stage and console lifts, with all appliances used in connection therewith.

SECTION 2. The term "Association" as used herein is defined to mean the "National Elevator Manufacturing Industry", a trade association of members of this Division.

SECTION 3. The term "Member of the Code" includes any member of this Division signifying assent to this Code as it pertains to this Division.

SECTION 4. The term "Apprentice" as used herein refers to an employee between the ages of sixteen (16) and twenty-one (21) with whom the employer has a definite apprenticeship agreement for a period of not over two (2) years.

SECTION 5. The term "Learner" as used herein is defined to mean an unskilled employee without previous experience in this Industry with whom the employer has a definite agreement to qualify such employee as a mechanic and whose period of employment in this class is limited to one (1) year, at the expiration of which such employee shall receive the full mechanic's rate of pay.

SECTION 6. The term "Shop labor" is defined to mean labor performed in the factory in the manufacture of the products of the Industry, or in the labor operations directly incidental thereto.

SECTION 7. The term "Field labor" is defined to mean labor performed in the installing, repairing, re-roping and servicing of the several types of equipment described in Section 1.

ARTICLE II—HOURS, WAGES AND CONDITIONS OF EMPLOYMENT

SECTION 1. Notwithstanding the provisions of Section 2 B of Article III of Chapter I hereof, the following provisions shall apply to the following classes of employees in this Division:

(A) No employee engaged in shop labor shall be permitted to work in excess of eight (8) hours in any day or forty (40) hours or six (6) days in any week, and no such employee shall be paid at less than forty (40) cents per hour.

(B) The minimum rates of pay established by this Section are to be maintained regardless of whether the employee is compensated on the basis of a time rate, piece-work or other basis.

(C) The foregoing provisions of this Section as to hours of shop labor shall not apply to:

(a) Shop executive, administrative or supervisory employees whose fixed salaries are in excess of thirty-five dollars (\$35.00) per week. Supervisory employees are defined as those who perform no manual labor.

(b) Employees engaged in shop emergency repairs required for the protection of life or property who shall be paid at the rate of time and one half ($1\frac{1}{2}$) for all hours in excess of the maximum established in this Section.

(c) Shop firemen who shall not be permitted to work in excess of eight (8) hours in any day or forty-eight (48) hours in any week, or six (6) days in any week.

(d) Shop watchmen who shall not be permitted to work in excess of fifty-six (56) hours in any week or six (6) days in any week.

(D) Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 2. Within ten (10) days of the approval of this Chapter, all employers subject to its conditions shall post in a conspicuous place in their respective factories or shops complete copies of Chapter I (General Provisions for the Construction Industry) and of this Chapter of this Code.

SECTION 3. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him.

SECTION 4. All employers shall make payment of all wages due in lawful currency or by negotiable check therefor, payable on demand at par. Wages shall be payable at the end of each weekly period. Wages shall be exempt from any payment for pensions, insurance or sick benefits other than those voluntarily authorized by employees. Employers or their agents shall not accept, directly or indirectly, rebates on such wages for give anything of value nor extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees.

The provisions of this Section requiring payment of wages at the end of each weekly period, shall not apply to persons employed in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week or to persons employed in clerical or office work whose compensation, however, shall be payable at least semi-monthly.

SECTION 5. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Divisional Code Authority to the Administrator within three (3) months after the effective date of this Chapter.

ARTICLE III—ADMINISTRATION

SECTION 1. To further effectuate the policies of the Act, a Divisional Code Authority is hereby constituted to administer this Code within this Division.

The Divisional Code Authority shall consist of six (6) members, who have assented to this Code, five (5) members to be selected, either prior to or not later than twenty (20) days after the approval of this Chapter, by the Board of Directors of the Association from its membership, and one additional person to be selected by the Administrator from and to represent, non-members of the Association who are members of the Division. The five (5) members selected by the Board of Directors from members of the Association shall serve for terms of one (1) year each and the Board of Directors shall annually thereafter select their successors. The member representative of non-members of the Association shall serve for a term of one (1) year. At that time the non-members of the Association may elect his successor, which successor and the method of his selection shall be satisfactory to and approved by the Administrator. In the event no successor is so chosen, the Administrator shall appoint a successor.

SECTION 2. The Administrative Members and the Administrator shall be given five (5) days' notice of, and may sit at, all meetings of the Divisional Code Authority.

SECTION 3. Accounting System. The Divisional Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of this Division. After such system and methods have been formulated by the Divisional Code Authority and approved by the Administrator, full details concerning them shall be made available to all members. Thereafter all members shall determine and/or estimate costs in accordance with the principles of such methods.

ARTICLE IV—TRADE PRACTICE RULES

General Definition: For all purposes of the Code the acts described in this article shall constitute unfair practices. Any member of this Division who shall directly, or indirectly through any officer, employee, agent, or representative, knowingly use, employ, or permit to be employed, such unfair practices shall be guilty of a violation of the Code.

RULE 1. Interference with Contracts. No member of this Division shall attempt to induce the breach of an existing contract between a competitor and his customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

RULE 2. Defamation of Competitors. No member of this Division shall defame a competitor or competitors by words or acts which falsely disparage in any material particular his business integrity, his ability to perform his contracts or fill his orders, his credit standing or the grade, quality, or prices of his goods.

RULE 3. Secret Rebates. No member of this Division shall offer or make any secret or discriminatory payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall a member of the Industry offer or extend to any customer any secret

or discriminatory service or privilege for the purpose of influencing a sale.

RULE 4. Commercial Bribery. No member of this Division shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

RULE 5. Threats of Law Suits. No member of this Division shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

RULE 6. Inaccurate References to Competitors, etc. No member of this Division shall publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies, or services.

RULE 7. Other unfair Trade Practices. Nothing in this Code shall limit the effect of any adjudication by the Courts or holding by the Federal Trade Commission on complaint, finding, and order, that any practice or method is unfair.

ARTICLE V—REFERENCE TO PROVISIONS OF CHAPTER I

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

ARTICLE VI—REVIEW OF ACTS OF DIVISIONAL CODE AUTHORITY

If the Administrator shall determine that any action of the Divisional Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by the Divisional Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

ARTICLE VII—MODIFICATION

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

ARTICLE VIII—EFFECTIVE DATE

This Chapter shall become effective within this Division on the tenth (10th) day after its approval by the President.

Approved Code No. 244. Supplement No. 3.
Registry No. 1311-01.

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