

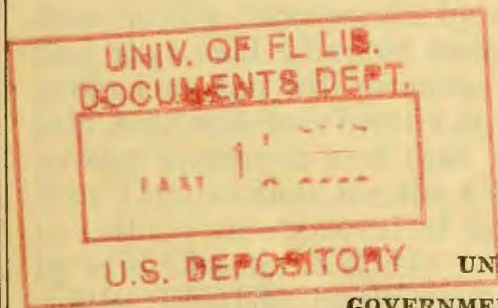
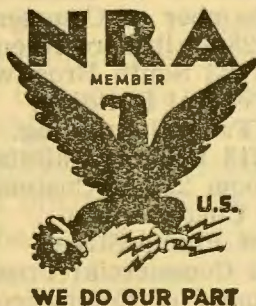
NATIONAL RECOVERY ADMINISTRATION

**SUPPLEMENTARY
CODE OF FAIR COMPETITION**

FOR THE

**CONSTRUCTION
NEWS SERVICE INDUSTRY**

AS APPROVED ON DECEMBER 20, 1934



**UNITED STATES
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Approved Code No. 244—Supplement No. 19

SUPPLEMENTARY CODE OF FAIR COMPETITION ·

FOR THE

CONSTRUCTION NEWS SERVICE INDUSTRY

As Approved on December 20, 1934

ORDER

**SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CONSTRUCTION
NEWS SERVICE 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 XXIII of said Code, which Chapter XXIII is applicable to the Construction News Service 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, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does 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 does hereby order that said Chapter XXIII 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 XXIII:

PROVIDED, HOWEVER, that with reference to the Wages and General Labor provisions of Article II of Chapter XXIII, the approval herein given is on condition that the National Industrial Recovery Board may examine or reconsider the provisions of said Article at any time within a period of one hundred and eighty (180)

days from the effective date of this Chapter, to determine their effect upon the employees and the general condition of the Industry.

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

Approval recommended:

WALTER G. HOOKE,
Acting Division Administrator.

WASHINGTON, D. C.,
December 20, 1934

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

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

This Chapter is a revision after public hearings conducted in Washington on May 8, 1934, in accordance with the provisions of the National Industrial Recovery Act. This Chapter amplifies Chapter I but applies specifically to the Construction News Service Division of the Construction Industry.

PROVISIONS FOR HOURS AND WAGES

The hours set forth in Chapter I of the Construction Code as approved by you on January 31, 1934, are applicable to this Code. The proposed minimum wages of Chapter XXIII, although slightly lower than the wage provisions of Chapter I, the Code of Fair Competition for the Construction Industry, will, according to the statistical analysis of the Division of Research and Planning, increase the weekly earnings of 105 out of 573 employees, or slightly over 18% of the total number of employees in this industry.

ECONOMIC EFFECT OF THE CODE

According to the statistical analysis of the Division of Research and Planning, the proponents of the code estimated that there were in 1929 ten establishments engaged in this industry, with an estimated capital investment of about \$866,000. For the year 1933 it has been estimated that there were eighteen firms engaged in the industry with a capital investment approximately the same as in 1929. The estimated business volume for this year was \$2,679,000.

Although this industry is small it is reasonable to predict that the establishment of uniform rates of pay, uniform hours of work, improved conditions of employment and the prohibition of unfair trade practices will be beneficial to both the employers and employees of the industry.

FINDINGS

The Deputy Administrator in his final report to the National Industrial Recovery Board on said Supplementary Code for the Construction News Service Division of the Construction Industry, having found as herein set forth and on the basis of all the proceedings in this matter;

The National Industrial Recovery Board finds that:

(a) Said Construction News Service Chapter and said Code of Fair Competition for the Construction Industry, as supplemented by said Construction News Service 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 purposes 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 the National Industrial Recovery Board as a major industry.

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

(e) Said Construction News Service Chapter and the Code of Fair Competition for the Construction Industry, as supplemented by the said Construction News Service 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 Construction News Service Chapter and of said Code, as supplemented by this Construction News Service Chapter thereof.

For these reasons, therefore, the National Industrial Recovery Board has approved said Construction News Service Chapter of the Code of Fair Competition of the Construction Industry.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

DECEMBER 20, 1934.

CHAPTER XXIII

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CONSTRUCTION NEWS SERVICE DIVISION OF THE CONSTRUCTION INDUSTRY

ARTICLE I—DEFINITIONS

SECTION 1. The term "Construction News Service Division of the Construction Industry" or "this Division", as used herein, means the rendering of construction project news service in individual slip or bulletin form at regular intervals not less frequently than once a week and the selling of such news service only under contract providing for exclusive use in the interests of each individual subscriber, and such related branches or subdivisions as may from time to time be included under the provisions of this Code.

SECTION 2. The term "Member of this Division" shall be defined to mean without limitation any individual, partnership, association or corporation or other form of enterprise which actually renders construction project news in individual slip or bulletin form at regular intervals not less frequently than once a week and sells such news service only under contract restricting the use of all news included in such service to the exclusive interests of each individual subscriber.

SEC. 3. The term "Association" as used herein is defined to mean "the Construction News Service Association."

ARTICLE II¹—HOURS, WAGES, AND GENERAL LABOR PROVISIONS

A. SECTION 1. *Maximum Hours*.—No employee shall be permitted to work in excess of eight (8) hours in any day or forty (40) hours in any week, within this Division with the following exemptions:

(a) Executives and supervisors earning regularly thirty-five (\$35.00) dollars per week or more. Supervisors shall be those in a supervisory capacity, performing no manual work.

(b) Outside salesmen and outside reporters.

(c) There shall be no limitation of hours per day for employees engaged in the production, commercial duplication and mailing of news reports to subscribers, providing however, they shall not be permitted to work more than forty (40) hours in any week.

B. SECTION 1. *Minimum Wages*.—For the purposes of this section the personnel of this division shall be divided into groups as follows:

GROUP A. Accounting, and general office employees;

GROUP B. Outside travelling reporters and outside salesmen; and

GROUP C. Employees engaged in the production, commercial duplication and mailing of news reports to subscribers.

¹ See paragraph 3 of order approving this Code.

SECTION 2. *Minimum Wage Per Week.*—

Group	Cities over 500,000	Cities of 500,000 or less
A and B.....	\$15. 00	\$14. 00
C.....	13. 00	13. 00

SECTION 3. Wages to all employees for part time shall be computed and paid at proportional rates for the time actually employed.

C. *General.* SECTION 1. No employee now employed at a wage rate in excess of the minimum shall be discharged, and reemployed at a lower wage rate for the purpose of evading the provisions of this Code.

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

SECTION 3. Each member of this Division shall provide for the safety and health of 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 National Industrial Recovery Board within six (6) months after the effective date of this Chapter. After approval, such standards shall become the minimum standards of safety and health for all members of this Division.

SECTION 4. All employers shall post and keep posted, copies of Chapter I and this Chapter of this Code in conspicuous places accessible to all employees. Every member of the industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the National Industrial Recovery Board.

SECTION 5. All members of this Division shall make payment of all wages due in lawful currency of the United States or by negotiable check therefor, payable on demand at par. If wages are paid by check, the employer shall provide reasonably accessible facilities for cashing such checks at face value without expense to the employee. Employers shall also provide such identification as is necessary to utilize such facilities.

Wages shall be paid at least semi-monthly. Wages shall be exempt from any payment or deduction for pensions, insurance or sick benefits except such as are voluntarily paid, required by law, or authorized to be deducted by employees. Employers or their agents shall not accept, directly or indirectly, rebates on such wages or 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.

SECTION 6. Employers shall not reduce the rates of wages for employees whose rates are now in excess of the minimum rate herein provided (notwithstanding that the number of hours worked in such employment may hereby be decreased) and where in any case an employer has not increased the rates of wages of such employees prior to the effective date of this Code by an equitable readjustment of all wage rates, such employer shall readjust all such wage rates.

SECTION 7. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 8. *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 monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

SECTION 9. No employer shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of this Code.

SECTION 10. Members of this Division who personally perform labor or are engaged in operations subject to the provisions in paragraph (A), Section I, of Article II of this Code shall not exceed, while so working as employees, the maximum of hours prescribed therein for employees.

SECTION 11. In no case shall a member of this Division avoid or evade the labor provisions of this Code by contracting any part of his work to any person or persons subject to labor provisions less stringent than those provided in this Code.

ARTICLE III

SECTION 1. A Divisional Code Authority is hereby constituted to administer this Code within this Division. The Divisional Code Authority shall consist of six members, or such other number as may from time to time be approved by the National Industrial Recovery Board. Five of these members shall be the five Directors of the Association. The other member shall be selected by the National Industrial Recovery Board from and to represent the non-members of the Association who are members of the Division. Members of the Divisional Code Authority shall be elected for terms of one year and annually thereafter and shall have one vote, and shall hold office until their successors are elected and qualified.

SECTION 2. Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, the Divisional Code Authority shall have the power and duties conferred upon it by Subdivision B of Article IV of Chapter I of this Code and also shall have the following powers and duties:

(a) to provide for the execution of the provisions of this Code and provide for the compliance of the Industry with the provisions of the Act;

(b) to cooperate with the National Industrial Recovery Board in regulating the use of any N. R. A. insignia solely by those members of this Division who are complying with this Code;

(c) to make recommendations to the National Industrial Recovery Board for the coordination of the Administration of this Code with such other codes, if any, as may be related to or affect members of this Division;

(d) to appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other codes as may be related to this Division for the purpose of formulating fair trade practices to govern the relationships between employers under this Code and under such other codes to the end that such fair trade practices may be proposed to the National Industrial Recovery Board as amendments to this Code and such other codes;

(e) in compliance with the provisions of Section 1 of Subdivision A of Article IV of Chapter I, to select one individual from this Division as a member of the Construction Code Authority. Such member shall be elected for a term of one (1) year or until his successor shall have been elected and qualified. The election shall be held annually upon proper notice to every member of the Divisional Code Authority, and each of such members shall be entitled to one vote. In order for any candidate to be elected, five (5) of the six (6) members of the Divisional Code Authority shall have voted for his election.

(f) to provide appropriate facilities for arbitration, and subject to the approval of the National Industrial Recovery Board, to prescribe rules of procedure and rules to effect compliance with awards and determinations.

(g) to use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Divisional Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

SECTION 3. 1. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Divisional Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of this industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of this Division, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of this Division shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of this Division complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contribu-

tions, shall be entitled to participate in the selection of members of the Divisional Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Divisional Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

SECTION 4. The Administration members, the Construction Code Authority and the National Industrial Recovery Board shall be given at least five (5) days' notice of, and may sit at, all meetings of the Divisional Code Authority.

ARTICLE IV—FAIR TRADE PRACTICE REGULATIONS

SECTION 1. The following provisions are adopted as rules of fair trade practice for members of this Division, and any violation of these rules shall constitute an unfair method of competition and a violation of this Code as it applies to this Division.

RULE 1. No member of this Division shall intentionally mislead or deceive customers with respect to the service to be rendered or with respect to the news gathering facilities of the member of this Division rendering the service nor shall any member of this Division profess or claim to be in any manner an organ or agency of any Code Authority unless expressly authorized to do so.

RULE 2. No member of this Division shall use another member's service to obtain information in connection with the preparation and furnishing by the said first member of its service to its subscribers, unless an interchange of news is mutually agreed upon and consented to by the members participating therein.

RULE 3. No member of this Division shall defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false statements or representations, or by false disparagement of the grade or quality of their product with the purpose of misleading or deceiving purchasers or of injuriously affecting the business of such competitors.

RULE 4. No member of this Division shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harrassing competitors or intimidating their customers.

RULE 5. No member of this Division shall give, permit to be given, or 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. This provision 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.

ARTICLE V—REFERENCE TO PROVISIONS OF CHAPTER I

The provisions of Section 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, including any amendments thereto, 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 ACTION OF CODE AUTHORITIES

If the National Industrial Recovery Board 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 National Industrial Recovery Board 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 National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty days' notice to it of intention to proceed with such action in its original or modified form.

ARTICLE VII—AMENDMENTS

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 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 notice and hearing as it shall specify, and to become effective on its approval.

ARTICLE VIII—REPORTS

In addition to information required to be submitted to the Code Authority, all or any of the persons subject to this Code shall furnish such statistical information as the National Industrial Recovery Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State Agencies as the National Industrial Recovery Board may designate; and nothing in this Code shall relieve any person of any existing obligation to furnish reports to government agencies.

ARTICLE IX—REGISTRATION OF MEMBERS OF THE DIVISION

Each member of this Division within thirty (30) days after the effective date of this Chapter, shall register with the divisional Code Authority. Thereafter all who become members of this Division shall likewise register with the Divisional Code Authority. Registration of a member of this Division shall include the full name and mailing address of the member. An application may be made by the Divisional Code Authority to the National Industrial Recovery Board for an extension of the time limit for the reg-

istration by any member of this Division if it appears that the time limit as provided herein might cause injustice or undue hardship to any member of this Division.

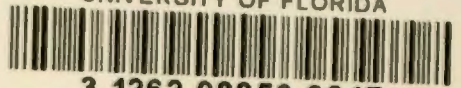
ARTICLE X—EFFECTIVE DATE

This Code (Chapter I and this Chapter) shall become effective within this Division on the tenth (10th) day after the approval of this Chapter by the National Industrial Recovery Board.

Approved Code No. 244—Supplement No. 19.
Registry No. 507-17.

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