

NATIONAL RECOVERY ADMINISTRATION

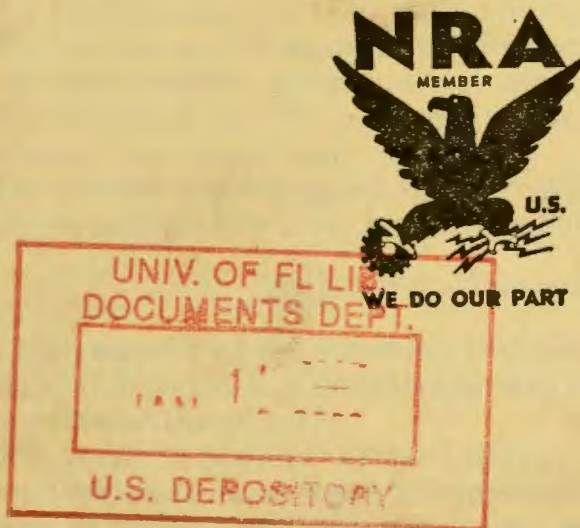
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PROPOSED CODE OF FAIR COMPETITION<sup>PT</sup><sub>nt</sub>

FOR THE

GARAGE AND REPAIR SHOPS  
STORAGE GARAGES AND PARKING  
STATIONS INDUSTRY

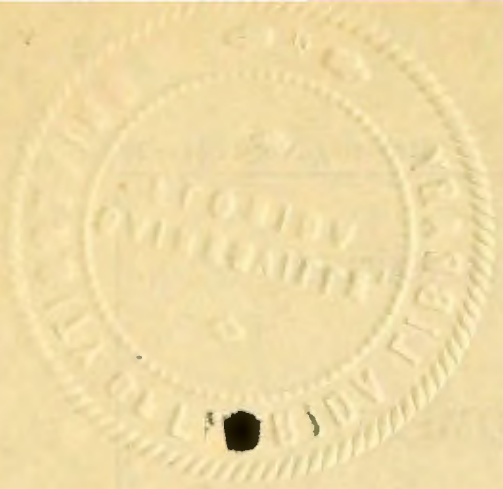
AS SUBMITTED ON AUGUST 28, 1933



The Code for the Garage and Repair Shops,  
Storage Garages and Parking Stations Industry  
in its present form merely reflects the proposal of the above-mentioned  
industry, and *none of the provisions contained therein are  
to be regarded as having received the approval of  
the National Recovery Administration  
as applying to this industry*

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# CODE OF FAIR COMPETITION UNDER NATIONAL INDUSTRIAL RECOVERY ACT FOR GARAGE AND REPAIR SHOPS, STORAGE GARAGES, AND PARKING STATIONS

## PREAMBLE

Whereas garage and repair shops, storage garages, and parking stations form an important link in the Automotive Maintenance Industry, which has felt the depression more severely than probably any other industry; and

Whereas an opportunity is afforded to those in the industry, and in this particular subdivision of the industry, to rehabilitate themselves by the avoidance of unfair competition and trade practices in the form of price and wage cutting and the promiscuous granting of trade discounts, by the adoption of a Code of Fair Competition designed to effectuate the policy of Title 1 of the National Industrial Recovery Act.

## ARTICLE 1

It is hereby declared to be the purpose of this Code of Fair Competition:

1. To promote the organization of our industry.
2. To further cooperative action among trade groups.
3. To induce and maintain unified action of labor and management under adequate governmental sanction and supervision.
4. To eliminate unfair competitive trade practices and to correct abuses resulting therefrom.
5. To increase consumption by increasing purchasing power.
6. To reduce and relieve unemployment.

## ARTICLE 2—DEFINITIONS

For the purpose of determining the meaning of the terms as herein set forth, the following definitions shall apply when used either in the singular or the plural:

1. The term "retailer" as used herein is defined to mean a person, firm, or corporation engaged in the Retail Automotive Maintenance Industry in such activities as rendering service, renting space, and/or selling merchandise to the public motorist—in selling service or materials to the general public as customers, and not in any sense for his own or its own consumption, nor to others for resale.

2. The term "storage garage" as used herein is defined to mean the building or buildings wherein the principle business carried on is that for storing for hire for varying periods of time automobiles or other automotive vehicles for the motoring public.

3. The term "parking station" as used herein is defined to mean the lots or open spaces in which are stored for hire automobiles or other automotive vehicles for the public for varying periods of time.

4. The term "garage or automobile repair shop" shall mean the regularly established place of business wherein such automobiles or other motor-propelled vehicles are stored, maintained, kept, and repaired and/or wherein such accessories, supplies, or parts are furnished for automobiles or other motor-propelled vehicles.



5. The term "garage keeper" shall mean any person, firm, or corporation, who, for hire or reward publicly offers to store, maintain, keep, or repair automobiles or other motor-propelled vehicles and/or to furnish for the purpose of resale at retail prices, accessories, supplies, or parts for automobiles or other motor-propelled vehicles used in the transportation of persons or merchandise upon or over the public highways or streets. Provided that in municipalities wherein are in force any laws or ordinances relative to the regulation or licensing of said garages the above definition shall not apply unless such garage keeper shall have been duly licensed and shall have complied with all laws and ordinances relative to such licensing.

6. The term "effective date" shall mean the date upon which the Code of Fair Competition is approved by the President.

#### ARTICLE 3—MEMBERSHIP

1. Any person, firm, or corporation actively engaged in the garage or automobile-repair business as defined in Article 2 of this Code under the term "garage keeper" shall be eligible to membership in any of the subscribing trade associations.

2. Membership in any of the subscribing trade associations shall not be a condition precedent to engaging in the automotive-maintenance business but all persons engaged in such business, whether members or nonmembers, shall be bound by the provisions of this Code and be subject to such penalties for violation of the Code as are prescribed by the provisions of the Act.

#### ARTICLE 4—COLLECTIVE BARGAINING AND UNIONS

1. As provided in Article 7a of the National Industrial Recovery Act, it is hereby declared:

(a) That all employees shall have the right to organize and bargain collectively through representatives of their own choosing and shall be free from the interference, restraint, and coercion of their employers 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.

(b) That no employee or 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 its own choosing.

(c) That employer shall comply with the maximum hours, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

2. In accordance with the foregoing paragraph, no person, firm, or corporation under the jurisdiction of this Code shall be required to operate under a closed-shop policy, nor shall any employee or applicant for employment be required as a condition of employment to join any union or other labor organization.

#### ARTICLE 5—WAGE SCALE AND HOURS

1. *Maximum hours.*—On and after the effective date of this Code of Fair Competition, employers in the Retail Automotive Maintenance Industry shall operate on such schedule of hours of labor for



their employees as will permit of no class of employees being required to work more than a total of forty-eight (48) hours per week; provided, however, that in case of necessity, arising from an emergency, or from the nature or character of the work, or from the inability to obtain competent labor, upon proper showing being made to the National Council and its approval obtained, and/or upon the approval of the Executive Committee of the Division of the Industry affected, this maximum of forty-eight (48) hours per week may be set aside conditioned upon proper provision being made for an absolute maximum of One Thousand Two Hundred Forty-eight (1,248) hours for each such employee during any period of six (6) months, except in the case of learners, porters, car washers, parking attendants, tow-car operators, delivery drivers, outside salesmen, solicitors, foremen, service managers, garage floor managers, night men and watchmen, garage managers, and executives, and such other classes as, from time to time, with the approval of the Executive Committee of the Division involved, and/or the National Council may be provided, which shall not be permitted to work more than a total of fifty-six (56) hours per week; provided, however, that in case of emergency only, provision is made for either skilled or unskilled labor to work more than the respective maximum numbers of hours as above, forty-eight (48) for skilled labor and fifty-six (56) for unskilled labor, but such overtime shall be paid at the rate of one and one third time for such overtime.

2. An employee shall be classed as "temporary" until he shall have worked a total of thirty (30) days or part days in any given sixty (60) day period. Requirements as to the maximum number of hours per week shall apply.

3. On and after the effective date of this Code of Fair Competition, the minimum wage that shall be paid by employers in the Retail Automotive Maintenance Industry to any of their unskilled employees, except learners, shall be at the rate of \$14.00 per week.

4. For the purposes of this Code, labor in the automotive maintenance industry shall be divided as follows:

1. Productive:

(a) Skilled:

1. Automobile mechanics
2. Battery men
3. Blacksmiths
4. Body workers, wood
5. Body workers, metal
6. Carburetor men
7. Electricians
8. Inspectors
9. Machinists
10. Painters
11. Radiator men
12. Service salesmen
13. Spring men
14. Tire men
15. Trouble shooters
16. Upholsterers
17. Welders
- And other employees



## (b) Unskilled:

1. Car washers
  2. Grease rack men
  3. Mechanic's helpers
  4. Polishers
- And other employees

## 2. Non-productive:

- (a) Clerical help
  - (b) Night watchmen
  - (c) Porters
  - (d) Pick up men
  - (e) Stock men
- And other employees

## ARTICLE 6—CHILD LABOR

Any person, firm or corporation operating under the jurisdiction of this code shall not employ any person under the age of 16 years.

## ARTICLE 7

For the purpose of enforcing the provisions of this Code each subscribing trade association shall have a local control committee, who shall hear, investigate and recommend to the proper authorities for such action as the law provides all complaints relative to any violation of the provisions of this code.

## ARTICLE 8—ACCOUNTING

All persons subject to the jurisdiction of this Code shall have a system of accounting and shall furnish to the local control committee any information relative to wages, hours, costs, and sales, which shall be necessary to the making of reports as provided for in Section 3a of the National Industrial Recovery Act. All information so obtained shall be held strictly confidential with the Trade Relations Committee.

## ARTICLE 9—PRICES

1. As soon as is possible, there shall be developed a uniform flat rate price system, which shall be based on information obtained by the National Association, which price shall carry with it a fair and reasonable profit. Such system shall be put into effect immediately upon being approved by the National Industrial Recovery Administration. Any sale at less than the minimum established price is hereby declared to be an unfair trade practice.

2. The minimum price to be charged for the storage of cars shall be \$8.00 per month for dead storage and \$14.00 per month for live storage, except that any member may apply to the local control committee for leave to charge a sum lower than the minimum herein fixed. Upon the approval of such application in writing by the committee, the minimum fixed by the committee may then be charged by such garage. The minimum price to be charged to customers for chassis lubrication and/or for washing shall be \$1.00 for each, and to transient customers \$1.25 for each.



3. The price to be charged for the sale of oil and/or greases shall be the price fixed by the major refineries in the district in which the participants in this Code are located.

#### ARTICLE 10—COMMERCIAL BRIBERY

1. The granting of gratuities, special discounts, secret rebates, special services, or the granting of undue allowances or any other special inducement is hereby declared to be an unfair trade practice.

2. The solicitation or acceptance by any person, firm, or corporation under the jurisdiction of this Code from any wholesaler or manufacturer of special gratuities, secret rebates, granting of undue allowances or any other special inducement is deemed to be contrary to the purpose of the National Industrial Recovery Act, and is hereby declared to be an unfair trade practice.

3. Violation of any of the provisions herein shall be an unfair trade practice.

#### ARTICLE 11

For the purpose of obtaining the greatest solidarity in this industry, in order that the maximum benefits of the National Industrial Recovery Act and of this Code be achieved, it is the declared purpose to become a member of the subdivision of garage and repair shops, storage garages, and parking stations of the National Automotive Maintenance Association and to be guided by the rules and regulations as set forth by said Association for the control, operation, and interpretation of the various provisions of this Code.

#### ARTICLE 12—AMENDMENTS

1. Whenever it shall be necessary to amend this Code, due to a change in conditions, such amendment shall be investigated by the National Association and upon approval shall then be sent to the National Recovery Administration for its approval. Upon the approval of the National Industrial Recovery Administration, such change shall then become part of the original Code.

2. This Code or any provision thereof or any amendment thereof, shall be canceled or modified to conform with any rule, regulation, or order issued by the National Industrial Recovery Administration.

#### ARTICLE 13—EXPENSES

All expenses in the administration and enforcement of this Code shall be prorated among the parties subject to the jurisdiction of this Code.

