



NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

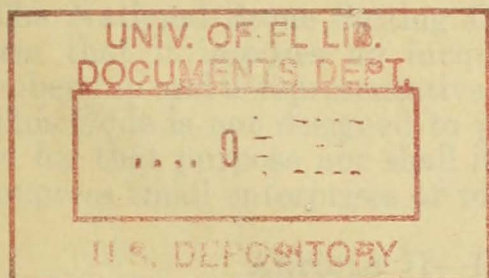
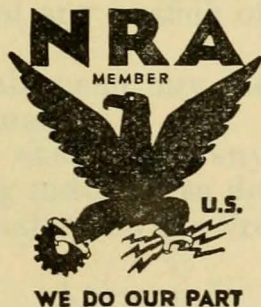
FOR THE

STONE SETTING INDUSTRY

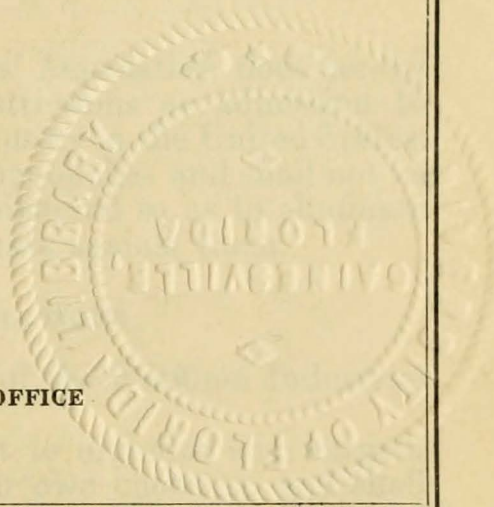
AS SUBMITTED ON AUGUST 28, 1933

REGISTRY No. 1039—2—04

The Code for the Stone Setting 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



UNITED STATES
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CODE OF FAIR COMPETITION FOR THE STONE-SETTING INDUSTRY

PURPOSE

To effectuate the policy of Title I of the National Industrial Recovery Act by reducing and relieving unemployment, improving the standards of labor, eliminating competitive practices destructive of the best interests of the public, employer, and employees, and in other respects to rehabilitate the Stone-Setting Industry, the following provisions are established as a code of fair competition.

DEFINITIONS

As used herein the term "stone-setting industry" shall include the handling, erection, cleaning, pointing, repairing, and in some cases demolition of all kinds of cut stone, granite, limestone, or marble, or their substitutes in connection with buildings, bridges, dams, tunnels, and other projects in which cut stone is used.

The term Association shall mean the National Stone Setting Contractors' Association, and Board of Directors refers to the Board of Directors of said Association.

The term "employers" shall mean all persons who employ labor direct in the conduct of any branch of the stone-setting industry so defined above, and the term "employee" shall mean all persons employed in the conduct of any branch of the stone-setting industry as defined above.

The term "person" shall mean any individual, partnership, association, trust, or corporation.

The term "contractor" shall mean any employer engaged in any branch of the stone-setting industry as defined above.

The term "President" shall mean the President of the United States.

ARTICLE I

The National Stone Setting Contractors' Association does hereby affirm that it imposes no inequitable restrictions as admission to membership and is representative of the industry in the United States.

This Code is not designed to promote monopolies and shall not be used for that purpose nor shall it be administered so as to eliminate or oppress small enterprises or to discriminate against them.

ARTICLE II—LABOR RELATIONS

1. In accordance with the requirements of the National Industrial Recovery Act, section 7, subsection a—

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

labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

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

2. *Minimum Wages*.—All contractors shall pay wages not less than those established locally or regionally by mutual agreements between truly representative bodies of employees and employers and approved by the President. The other trade and working conditions of these agreements shall also become a part of the code of practice pertaining to those regions or localities in which they were formulated, such as hours of labor, payment of wages, safety and rights of employees.

ARTICLE III—UNFAIR PRACTICES

For all purposes of the code, the following described acts shall constitute unfair practices:

(a) The Submission of a bid or acceptance of a contract to perform work in which the contractor knowingly does not include all direct labor costs at agreed rates plus insurance and a fair amount for overhead, equipment, and profit.

(b) The Submitting of a bid on an operation in which the contractor cannot qualify as to capital, organization, experience, and equipment to properly execute the contract if awarded to him.

(c) Changing of a bid after the bids have been opened except as contained in provisions of the bid as stated therein. No contractors not originally bidding on operations shall be allowed to submit a bid after estimates have been opened, should change of plans and specifications require new bids, unless one year has elapsed between proposals.

(d) The misrepresentation in a bid as to work and materials included in estimate, also leaving out of estimate work specifically called for in request for bids.

(e) The making, or causing to be made, of any false or deceptive statements, either written or oral, of or concerning the business policy of a competitor, his workmanship, selling price, or his financial, business, or personal standing.

(f) The financing or guaranteeing of a contractor's contract by stone or granite cutter, quarryman, their agents, representatives, or general contractor. This clause is not to be interpreted to deter any arrangement for prompt payment of work already performed.

(g) The deliberate violation of recognized safety measures in the operation of a job and the sanctioning of bad construction practices.

(h) The furnishing of bids to a general contractor, cut-stone, granite, or marble contractor who uses the bid mainly for checking purposes, and performs the work himself.

Such unfair practices and all other practices which shall be declared to be unfair practices by the board of directors as provided in Article IV or by any amendment to the code adopted in accordance with

Article V and at the time in effect shall be deemed to be in violation of the code, and any member of the industry which shall directly or indirectly through any officer, employee, agent, or representative, knowingly use or employ any of such unfair practices shall be guilty of a violation of the code.

ARTICLE IV—ADMINISTRATION

1. The administration of the code shall be under the Board of Directors of the Association. The Board of Directors shall have all the powers and duties conferred upon it by the code and generally all such other powers and duties as shall be necessary or proper to enable it fully to administer the code and effectuate its purpose. The Board of Directors may from time to time delegate such of its powers and duties as it sees fit to committees, director, person or persons in the industry in order to expediate the administration of the code whose decisions shall be binding subject to appeal to the entire Board of Directors.

2. For the purpose of supplying the President and the Administration with such requisite data as to the observance and effectiveness of the code, each member shall furnish reports, costs, books of accounts, etc., as requested by the Board of Directors on such subjects as are required.

3. The cost of administration of the code shall be assessed pro rata amongst the members and the failing of any member to pay his assessment for a period of 30 days after the date on which it becomes payable shall constitute a violation of the code.

ARTICLE V—CHANGES IN CODE

1. This code and all provisions thereof are expressly made subject to the right of the President to cancel or modify any order, approval, license, rule or regulations issued under this title.

2. Such other of the provisions as are not required by the National Industrial Recovery Act may be modified or enlarged as experience with its operations develop the necessity thereof, upon a two thirds vote of the membership and the approval of the President.

ARTICLE VI—PARTIAL INVALIDITY

If any provision of this code is declared invalid or unenforcable, the remaining provisions thereof shall continue in full force and effect in the same manner as if they had been separately presented for approval and approved by the President.

ARTICLE VII

This code shall become effective ten days after being approved by the President.



Article V and at the time in effect shall be deemed to be in violation of the code, and any member of the industry which shall directly or indirectly through any officer, employee, agent, or representative, knowingly use or employ any of such unfair practices shall be guilty of a violation of the code.

Article IV--ADMINISTRATION

1. The administration of the code shall be under the Board of Directors of the Association. The Board of Directors shall have all the powers and duties conferred upon it by the code and generally all such other powers and duties as shall be necessary or proper to enable it fully to administer the code and enforce its provisions. The Board of Directors may from time to time delegate any of its powers and duties as it sees fit to committees, officers, persons or persons in the industry in order to expedite the administration of the code whose actions shall be binding subject to appeal to the entire Board of Directors.

2. For the purpose of amending the President and the Administration with appropriate reference to the observance and effectiveness of the code which shall be binding upon all members of the industry as requested by the Board of Directors on such subjects as may be deemed necessary and proper by the Board of Directors.

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3. The code and all provisions thereof shall be subject to the right of the President to cancel or modify any order approved hereunder or to suspend or modify any provision of the code.

Article VI--AMENDMENTS

1. Any provision of the code is deemed invalid or unenforceable if the remaining provisions thereof shall continue in full force and effect in the same manner as if they had been separately presented for approval and approved by the President.

Article VII

This code shall become effective ten days after being approved by the President.

